TSD File Inventory Index

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| Facility Name: [failed Musical |) J | estureits USA, Isc. | |
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| Facility Identification Number: OHD 004 J.S | yr, mi | e tha 1. Partur to be a chile tha a ceile dheil ann an tha a call an agus aighe an air an tagail a bha an ag a | |
| A.1 General Correspondence A.1.1 - A.1.8 | / | B.2 Permit Docket (B.1.2) | |
| A.2 Part A / Interim Status A.2 | / | .1 Correspondence | |
| .1 Correspondence | γ | .2 All Other Permitting Documents (Not Part of the ARA) | / |
| .2 Notification and Acknowledgment | V | C.1 Compliance - (Inspection Reports) | |
| .3 Part A Application and Amendments | У | C.2 Compliance/Enforcement C√2 | / |
| .4 Financial Insurance (Sudden, Non Sudden) | , | .1 Land Disposal Restriction Notifications | |
| .5 Change Under Interim Status Requests | | .2 Import/Export Notifications | |
| .6 Annual and Biennial Reports | | C.3 FOIA Exemptions - Non-Releasable Documents \mathcal{C} , \mathcal{S} | 1 |
| A.3 Groundwater Monitoring | | D.1 Corrective Action/Facility Assessment | |
| 1 Correspondence A-3-1 | 1 | .1 RFA Correspondence | |
| 2 Reports A. 3. 4, A. 3.5, A. 3.8 | 3 | .2 Background Reports, Supporting Docs and Studies | |
| A.4 Closure/Post Closure | | .3 State Prelim. Investigation Memos | |
| .1 Correspondence A 4.1 A 4.2 | 1 | .4 RFA Reports リパチ | |
| 2 Closure/Post Closure Plans, Certificates, etc | 2. | D. 2 Corrective Action/Facility Investigation | |
| A.5 Ambient Air Monitoring | | .1 RFI Correspondence | |
| .1 Correspondence | | .2 RFI Workplan のええんか | 2 |
| .2 Reports | V3 (4) | .3 RFI Program Reports and Oversight | |
| B.1 Administrative Record | 4 | .4 RFI Draft /Final Report | |

Total -37

| 0,00 <u>111 111 111 111 111 111 111 111 111 </u> | · · · · | | 7 |
|---|----------|---|-------------|
| .5 RFI QAPP D. 2.5-D.2.6 | 1/1 | .7 Lab data, Soil Sampling/Groundwater | 4 |
| .6 RFI QAPP Correspondence | | .8 Progress Reports | , \ |
| Lee Dizis | | D.4.8 | <u></u> |
| 7 Lab Data, Soll-Sampling/Groundwater シップ・グンプ(な) | 2 | D.5 Corrective Action/Enforcement | |
| .8 RFI Progress Reports | | .1 Administrative Record 3008(h) Order | 1 |
| .9 Interim Measures Correspondence | | .2 Other Non-AR Documents | |
| .10 Interim Measures Workplan and Reports | | D.6 Environmental Indicator Determinations | |
| D.3 Corrective Action/Remediation Study | | .1 Forms/Checklists $D \in G : I$ | / |
| .1 CMS Correspondence | / | E. Boilers and Industrial Furnaces (BIF) | |
| .2 Interim Measures | | .1 Correspondence | |
| .3 CMS Workplan カ33-カ34 | 1 | .2 Reports | |
| 4 CMS Draft/Final Report Lee P33 | | F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.) | 1 |
| .5 Stabilization | | G.1 Rick Assessment | |
| .6 CMS Progress Reports | 1/ | .1 Human/Ecological Assessment |] . -, - |
| 7 Leb Data, Soil-Sampling/Groundwater D. 3. 7(3) | , | .2 Compliance and Enforcement | |
| D.4 Corrective Action Remediation Implementation | | .3 Enforcement Confidential G-1-3 | / |
| .1 CMI Correspondence .1. 4. 1-D. 4.2 | | .4 Ecological - Administrative Record | |
| 2 CMI Workplan Lee D. 4-1 | | .5 Permitting | |
| .3 CMI Program Reports and Overeight | | .6 Corrective Action Remediation Study | |
| .4 CMI Draft/Final Reports | | .7 Corrective Action/Remediation Implementation | |
| .5 CMI QAPP | | .6 Endangered Species Act | |
| .6 CMI Correspondence | 1 | .9 Environmental .kustice | |
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| Note: Transmittal Letter to Be included with Reports. | - | |
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

September 23, 1999

DE-9J

Mr. Edward Chesko Executive Vice President United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, OH 44095

RE: Contact Information Update

Dear Mr. Chesko,

Please note that I recently started using my married name and thus officially changed my last name from Capron to Geist. All correspondence concerning the corrective action project and progress reports can be addressed to me at the following address:

Ms. Lisa K. Geist U.S. Environmental Protection Agency Waste, Pesticides and Toxics Division, DE-9J 77 West Jackson Boulevard Chicago, IL 60604-3590

(312) 886-0878 phone (312) 353-4342 fax geist.lisa@epa.gov

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely yours,

sa / Déist

Lisa K. Geist

Project Manager

Enforcement and Compliance Assurance Branch

cc: Matthew Knecht, HzW Consultants, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

SEP 0 3 1999

REPLY TO THE ATTENTION OF:

DE-9J

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Edward H. Chesko Executive Vice President United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, OH 44095

RE: United Musical Instruments (UMI)

OHD 004 153 854

Petition to Abandon MW-5

Dear Mr. Chesko,

I have reviewed your request to abandon non-compliance monitoring well No. 5 (MW-5). Based on the situation as described at the UMI facility, and MW-5's proximity to the proposed reactive iron wall, I agree that MW-5 should be abandoned. However, U.S. EPA reserves the right to evaluate the need for a replacement monitoring well immediately upgradient of the reactive iron wall location once UMI has formulated a long term monitoring plan for the project.

If you have any questions or concerns, please feel free to contact me at (312) 886-0878.

Sincerely.

Lisa K. Capron

Project Manager

Sisse Klapron

MN/OH Enforcement and Compliance Assurance Branch

cc: Matthew Knecht, HzW Environmental Consultants, Inc.



United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake, OH 44095 • (216) 946-6100 • FAX (216) 951-3536

September 10, 1996

Mr. Sirtaj Ahmed RCRA Enforcement Branch, HRE-8J Waste, Pesticides and Toxics Division U.S. Environmental Protection Agency, Region V 77 West Jackson Boulevard Chicago, IL 60604 REGEIVED

OFFICE OF RCRA WASTE MANAGEMENT DIVISION EPA, REGION Y

Subject: Meeting Agenda - September 24, 1996

United Musical Instruments U.S.A., Inc. (UMI) 33999 Curtis Boulevard, Eastlake, Ohio 44095 Consent Agreement - OHD 004 143 854

Dear Mr. Ahmed:

Enclosed you will find the meeting agenda for September 24, 1996. Please let us know if this meeting agenda conflicts with your travel schedule. Travel time from Cleveland International Airport to our facility should be approximately 45 minutes.

We look forward to meeting with you, and appreciate your assistance and cooperation regarding this matter.

Respectfully,

UNITED MUSICAL INSTRUMENTS, U.S.A., INC.

Edward H. Chesko

Vice President of Manufacturing-Brasswinds

EHC/dml (0002e96)

Encls.

Edward Chesko, Vice President of Manufacturing-Brasswinds, UMI-Eastlake David Woodruff, Human Resources, UMI-Eastlake Matt Knecht, HzW Environmental Consultants, Inc. Craig Juday, CT Consultants, Inc.

TENTATIVE AGENDA

USEPA REGION V SITE VISIT

UNITED MUSICAL INSTRUMENTS U.S.A., INC., EASTLAKE, OHIO SEPTEMBER 24, 1996

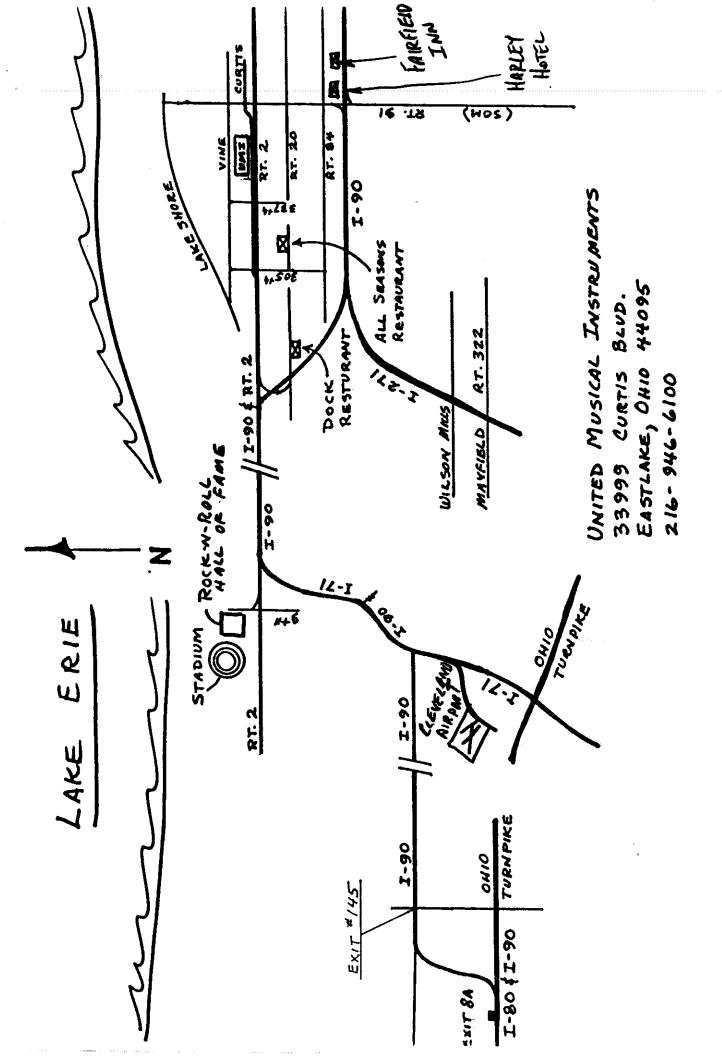
| 1100 hours | Arrival of USEPA Region V Representative (Sirtaj Ahmed). |
|-------------------|--|
| 1100 - 1115 hours | Summary discussion of situation resulting in need for corrective action at the Eastlake facility, 1985 - present. (Edward Chesko, others) |
| 1115 - 1200 hours | Tour of interior manufacturing operations at the Eastlake facility. (All) |
| 1200 hours | Lunch in Eastlake facility cafeteria. (All) |
| 1300 hours | Tour of plant exterior, with emphasis on corrective action area, proposed treatment cell location, staging areas, and monitoring well locations. (All) |
| 1400 hours | Open discussion of proposed Corrective Measures Design, including question and answer session. (All) |

Anticipated attendees:

1500 hours

Sirtaj Ahmed, USEPA Region V Edward Chesko, Vice President of Manufacturing-Brasswinds, UMI-Eastlake David Woodruff, Human Resources, UMI-Eastlake Matt Knecht, HzW Environmental Consultants, Inc. Craig Juday, CT Consultants, Inc.

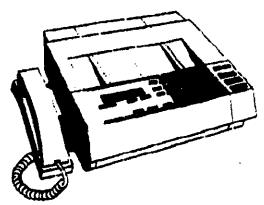
Adjourn.



Waste, Pesticides & Toxics Division Enforcement & Compliance Assurance Branch U.S. Environmental Protection Agency

Region 5
77 West Jackson Boulevard
Mailcode HRE-8J
Chicago, Illinois 60604

FACSIMILE REQUEST



| To: | AREN NESBIT |
|---------------------|--------------------|
| Office/Phone | 216-963-1159 |
| Facsimile Number | 216-487-0769 |
| Verification Number | er |
| From: | SIRTAJ AHMED |
| Office/Phone | 312-262-3483 |
| Date: 9/16/96 | Number of Pages: 4 |
| Additional Comme | nts: |

SENT FROM FACSIMILE NO. (312) 353-4788

MEETING. A COPY OF DESIGN PLAN IS BEING MAILED TO YOU SEPARATELY. COPY OF UMI AGENDA IS ATTACHED. PLEASE CONFIRM YOUR AVAILABILITY. THANKS.

SEP 16'96

TRANSMIT CONFIRMATION REPORT

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

NOV 1 7 1992

REPLY TO THE ATTENTION OF:

HRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Howard H. Chesko General Manager United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

Re: First Amended Complaint, Findings of Violation and Compliance Order

United Musical Instruments, U.S.A., Inc.

OHD 004 153 854

Dear Mr. Chesko:

The First Amended Complaint that was sent Certified Mail, Return Receipt Requested on November 9, 1992, inadvertently received a new docket number. The docket number on the First Amended Complaint should be V-W-010-92, which corresponds with the original complaint.

If you have any questions please contact me at 312-886-4454.

Sincerely yours.

lylaine E. Mc Mahan

Uylaine McMahan, Chief IN/MN/OH Enforcement Program Section

CERTIFIED MAIL RETURN RECEIPT REQUESTED

HRE-8J

Mr. Howard H. Chesko General Manager United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

Re: First Amended Complaint, Findings of Violation and Compliance Order United Musical Instruments, U.S.A., Inc. OHD 004 153 854

Dear Mr. Chesko:

The First Amended Complaint that was sent Certified Mail, Return Receipt Requested on November 9, 1992, inadvertently received a new docket number. The docket number on the First Amended Complaint should be V-W-010-92, which corresponds with the original complaint.

If you have any questions please contact me at 312-886-4454. Sincerely yours,

Uylaine McMahan, Chief IN/MN/OH Enforcement Program Section

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) |
|---------------------------------------|---------------------------------------|
| UNITED MICTOR THOTDING |) DOCKET NO. V-W- 0 0 3 '93 |
| UNITED MUSICAL INSTRUMENTS U.S.A INC. |)) FIRST AMENDED COMPLAINT, FINDINGS |
| 33999 CURTIS BOULEVARD |) OF VIOLATION AND COMPLIANCE ORDER |
| EASTLAKE, OHIO 44094 |) |
| 50. 7 D N GUD 004 450 D54 | |
| EPA I.D. No: OHD 004 153 854 |) |

This Amended Complaint is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. \$6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is United Musical Instruments U.S.A., Inc., located at 33999 Curtis Boulevard, Eastlake, Ohio.

This Amended Complaint is based on United Musical Instruments' failure to submit a Part B post-closure permit application or equivalency demonstration formally requested by the U.S. EPA, on September 20, 1990.

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. §6928(a)(1), and based on the information cited above, it has been determined that Respondent is in violation of 40 CFR Part 270.1(c).

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928 respectively. U.S. EPA has promulgated regulations codified at 40 CFR 260 through 271 governing generators and transporters of hazardous wastes and facilities that treat, store, and dispose of hazardous waste.

From July 15, 1983, until January 31, 1986, the State of Ohio had Phase I interim authorization pursuant to Section 3006 of RCRA, 42 U.S.C., \$6926. to administer a hazardous waste program in lieu of the Federal program. authorization allowed either the State or U.S. EPA to enforce Ohio hazardous waste statutes and regulations, where applicable, in lieu of Federal statutes. U.S. EPA retained authority in matters related to the issuance of final RCRA Permits during this period. On January 31, 1986, the State of Ohio's Phase I interim authorization expired. On June 30, 1989, the State of Ohio was granted Final Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. \$6926(b) to administer a hazardous waste program in lieu of the Federal program. See 54 Federal Register 27,170 (1989). As a result, facilities in Ohio qualifying for interim status under Section 3005(e) of RCRA, 42 U.S.C. \$6925(e) are now regulated under the Ohio provisions found at Ohio Administrative Code (OAC) Rule 3745-50 et seq., rather then the Federal regulations set forth at 40 CFR Part 265. Thus, this Amended Complaint, Findings of Violation, and Compliance Order seek to enforce both Federal and State regulations, as applicable. Section 3008(a) of RCRA. 42 U.S.C. §6928(a), provides that U.S. EPA may enforce State regulations in

those States authorized to administer a hazardous waste program. Notice to the State pursuant to this section has been provided.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

- 1. Respondent, United Musical Instruments U.S.A., Inc., is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), who owns and operates a facility at 33999 Curtis Boulevard, Eastlake, Ohio, that generates hazardous waste.
- 2. Respondent is an Indiana Corporation whose registered agent in Ohio, is Ed Chesko, 33999 Curtis Boulevard, Eastlake, Ohio.
- 3. Section 3010(a) of RCRA, 42 U.S.C. \$6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored, or disposed of unless the required notification has been given.
- 4. U.S. EPA first published regulations concerning the identification, generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980. The regulations which concern the identification and listing of hazardous waste are codified at 40 CFR 261.

- 5. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA Permit. Such regulations are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19. 1980.
- 6. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980, or on the effective date of regulatory changes that render a facility subject to permit requirements; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.
- 7. On August 18, 1980, a notification of hazardous waste activity was filed for this facility with U.S. EPA pursuant to Section 3010 of RCRA.
- 8. On November 19, 1980, Part A of the permit application was filed with the U.S. EPA pursuant to Section 3005 of RCRA.
- 9. On September 28, 1990, the Respondent received by certified mail, returned receipt requested, a formal request for submittal of a Part B post-closure permit application or equivalency demonstration, within 6 months, as required by 40 CFR 270.1(c), from U.S. EPA.

- 10. Respondent failed to submit the Part B post-closure permit application or equivalency demonstration to the RCRA Permitting Branch, as required pursuant to the formal request. This is a violation of 40 CFR 270.1(c).
- 11. On January 16, 1992, Respondent received by certified mail, returned receipt requested a Complaint, Findings of Violation and Compliance Order, issued by the U.S. EPA.
- 12. On January 16, 1992, Respondent informed Jean Gromnicki, of the U.S. EPA RCRA Enforcement Branch, by telephone that they submitted to the RCRA Enforcement Branch February 27, 1991, a Post-Closure Groundwater Sampling Report which they believed constituted an equivalency demonstration. The facility claims this submittal was in response to the U.S. EPA's formal request.
- 13. Subsequently, Jean Gromnicki confirmed receipt of the report described in paragraph 12 with another staff member in the RCRA Enforcement Branch who was overseeing an unrelated enforcement matter. This report failed to identify that it was submitted in response to the formal request of September 20, 1990, seeking an equivalency demonstration. Therefore, the RCRA Enforcement Branch staff member who received the report filed it with documents pertaining to ongoing unrelated enforcement action rather than forwarding it to the RCRA Permitting Branch.
- 14. RCRA Permitting Branch has since accepted the Groundwater Sampling Report as a partial response to the request for an equivalency demonstration.
- 15. On April 3, 1992, the Respondent submitted to the U.S. EPA a thorough equivalency demonstration as required pursuant to the formal request.

16. On June 30, 1992, the Respondent was sent an acceptability letter approving the clean-closure equivalency demonstration.

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

- A. Respondent shall, immediately upon this Order becoming final (except as otherwise specified below), cease all treatment, storage, or disposal of any hazardous waste except such treatment, storage, or disposal as shall be in compliance with the standards for hazardous waste treatment, storage, and disposal facilities.
- B. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Waste Management Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. Attention: Jean A. Gromnicki, RCRA Enforcement Branch, (HRE-8J).

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Mr. Michael Savage, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43266-0149.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or

hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violation cited herein, the potential harm to human health and the environment, the continuing nature of the violation, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of \$4,000.00 against the Respondent, United Musical Instruments, U.S.A., Inc. pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. \$6928. Attachment 1 of the Amended Complaint provides a summary of the proposed civil penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. The facility name and docket number shall be provided with said payment. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (MFA-10J), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (CS-3T), U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the abovenamed Respondent to liability for a civil penalty of up to \$25,000.00 for each
day of continued noncompliance with the deadlines contained in this Order.

U.S. EPA is authorized to assess such penalties pursuant to RCRA Section
3008(c). U.S. EPA may collect interest on any amount overdue under the terms
of this Compliance Order at the rate established by the Secretary of the
Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of

\$20.00 will be imposed on any late payment, with an additional charge of \$10.00 for any subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within 90 days of the date on which payment is due.

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Amended Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty. Unless Respondent has filed an answer not later than 30 days from the date this Amended Complaint is served, Respondent may be found in default of the above Amended Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Amended Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, within 30 days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Nicholas R. Bollo, Assistant Regional Counsel (CS-3T), at the same address. Failure to answer within 30 days of receipt of this Amended Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Amended Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §3701 et seg.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should

contain: (1) a definite statement of the facts which constitute the grounds of defense; and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Amended Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violation in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violation, and the effect of the proposed penalty on Respondent's ability to continue in business.

Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the 30-day time limit for responding to this Amended Complaint or the 30-day time limit for requesting a formal hearing on the violations alleged herein. U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Jean A. Gromnicki, RCRA Enforcement Branch (HRE-8J), at the address cited above, or by calling her at (312) 886-4555.

| | | 11/1 | | 0.41 | |
|-------|------|-------|--------|---------|---------|
| Dated | this | 14 (- | day of | Rutoher | , 1992. |

Norman R. Niedergang,

Acting Associate Division Director,

Office of RCRA

Waste Management Division

Complainant

U.S. Environmental Protection Agency

Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Amended Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

> Mr. Ed Chesko Registered Agent United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

> > and

Mr. Howard H. Chesko General Manager United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

I have further caused the original of the Amended Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

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|------------|--------------|--------------|----------|
| Dated this | 1th da | y of novembe | . 1992 . |

Secretary, Office of RCRA

U.S. EPA. Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

DATE: OCT 1 4 1992

SUBJECT: United Musical Instruments, Inc.

Consent Agreement and Final Order

OHD 004 153 854

FROM: Norman R. Niedergang, Acting Associate Division Director

Office of RCRA

TO: William E. Muno, Acting Director

Waste Management Division

Please find for your review and signature two copies of a Consent Agreement and Final Order (CAFO) to resolve the above-referenced matter.

The Amended Complaint against UMI, Inc., (the facility) alleges that the facility failed to submit information required for a Part B post-closure permit or a equivalency demonstration to the RCRA Permitting Branch as opposed to the allegation in the original Complaint, that the facility failed to submit the requested information to the US EPA.

The facility has submitted all required information to the RCRA Permitting Branch and the equivalency demonstration was approved on June 30, 1992.

The Amended Complaint proposes a total penalty of \$4000, as indicated in the attached document, and the facility agreed to pay the total penalty of \$4000.

In consideration of the conditions as stated above, I recommend that you sign the CAFO on behalf of Region V. Please return the signed CAFO to Joseph Boyle, Chief of the RCRA Enforcement Branch, for proper distribution of signed copies.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

OCT 27 1992

REPLY TO THE ATTENTION OF: HR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ed Chesko Registered Agent for United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

Re: Consent Agreement and Final Order United Musical Instruments, U.S.A., Inc. Docket No. V-W-010-92

Dear Mr. Chesko:

This letter is to acknowledge receipt of the Consent Agreement and Final Order Signed by representatives of United Musical Instruments, U.S.A., Inc. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files. Your cooperation in resolving this matter is appreciated.

Sincerely yours,

Norman R. Niedergang

Acting Associate Division Director

Office of RCRA

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) DOCKET NO. V-W-92-R-010 |
|---|---|
| UNITED MUSICAL INSTRUMENTS U.S.A. INC. 33999 CURTIS BOULEVARD EASTLAKE, OHIO 44094 |) CONSENT AGREEMENT AND) FINAL ORDER) |
| EPA ID No.: OHD 004 153 854 | } |

<u>PREAMBLE</u>

On January 13, 1992, a Complaint was filed in this matter pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. Section 6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA), which authority has since been delegated to the Acting Associate Division Director, Office of RCRA. The Respondent is United Musical Instruments U.S.A., Inc., Eastlake, Ohio.

STIPULATIONS

The parties, desiring to settle this action, enter into the following stipulations:

- 1. Respondent has been served with a copy of the Complaint, Findings of Violation and Compliance Order (Docket No. V-W-92-R-010) and the Amended Complaint in this matter.
- 2. On April 3, 1992, the Respondent submitted a clean-closure equivalency demonstration to the U.S. EPA.

- 3. On June 30, 1992, the Respondent received an acceptability letter approving the clean-closure equivalency demonstration.
- 4. Respondent is an Indiana Corporation whose registered agent in Ohio is Ed Chesko, 33999 Curtis Boulevard, Eastlake, Ohio.
- 5. Respondent admits the jurisdictional allegations contained in the Complaint.
- 6. Respondent neither admits nor denies the specific factual allegations contained in the Complaint and Amended Complaint other than admissions made in Respondent's Answer to the original Complaint.
- 7. Respondent explicitly waives its right to a hearing on the allegations contained in the Complaint.
- 8. Should the Respondent fail to comply with any provision contained in the subsequent Final Order, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the Final Order and/or to seek an additional penalty for the non-compliance.
- 9. Respondent consents to the issuance of the Order hereinafter set forth and hereby consents to the payment of a civil penalty in the amount therein specified.
- 10. On June 30, 1989, the State of Ohio was granted final authorization by the Administrator of the U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. Section 6926(b), to administer a hazardous waste program in lieu of the Federal program. Section 3008 of RCRA, 42 U.S.C. Section 6928, provides that the U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program.

11. The Consent Agreement and Final Order becomes effective on the date it is signed by the Acting Director of the Waste Management Division.

FINAL ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Final Order:

- A. Respondent shall, immediately upon the effective date of this Final Order, cease all treatment, storage or disposal of any hazardous waste except such treatment, storage or disposal as shall be in compliance with the standards for hazardous waste treatment, storage, and disposal facilities.
- B. Respondent shall, immediately upon the effective date of this Final Order, achieve and maintain compliance with the standards applicable to generators of hazardous waste.
- C. Respondent shall pay a civil penalty in the amount of \$4,000. Payment shall be paid within thirty (30) days of the effective date of this Final Order. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (MFA-10J), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (CS-3T), U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.
- The U.S. EPA may collect interest on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. Section 3717. A late payment handling charge of \$20.00 will be

imposed on any late payment, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains.

Failure to comply with any requirement of this Final Order may subject Respondent to liability for a penalty of up to \$25,000 for each day of continued non-compliance with the terms of the Final Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

This Final Order constitutes a settlement and final disposition of the Complaint and the Amended Complaint filed in this case and stipulations herein before recited. Plaintiff covenants not to sue UMI for any further civil liability or penalties for matters covered in the Complaint or Amended Complaint, as long as UMI is in compliance with the terms of the Final Order.

Notwithstanding any other provision of this Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. Section 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right to take any action necessary under Section 3008 of RCRA to enforce compliance with the applicable provisions of the Ohio Administrative Code; 40 CFR Parts 124 and 270; and this Final Order.

SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of five pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

| Agreed to this day of _SETEMBER_ | -, 1992. |
|--|----------|
| By telut he folme | |
| United Musical Instruments U.S.A., Inc. | |
| Respondent | |
| | • |
| Title Thesipesi | |
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| Agreed thisday of | , 1992. |
| By Garan | |
| Norman R. Niedergang, | • |
| Acting Associate Director | |
| Office of RCRA | |
| Waste Management Division U.S. Environmental Protection Agency | |
| Region V, Complainant | |
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| The above and the second secon | |
| The above agreed and consented to, it is so ordered | - |
| 1.19h | |
| this day of Netober | 1000 |
| | , 1992. |
| Charles from the | • |
| William F Mine Acting Director | |
| William E. Muno, Acting Director Waste Management Division | |
| U.S. Environmental Protection Agency | |
| Region V | |

IN THE MATTER OF:
UNITED MUSICAL INSTRUMENTS
U.S.A., INC.
33999 CURTIS BOULEVARD
EASTLAKE, OHIO 44094
DOCKET NO. V-W-92-R-010

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing CAFO to be served upon the person designated below on the date below, by causing said copy to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois in an envelope addressed to:

> Mr. Ed Chesko Registered Agent for United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake. OH 44094

I have further caused the original of the CAFO and this Certificate of Service to be served in the Office of the Regional Hearing Clerk, located in the Planning and Management Division, U.S. EPA, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604, on the date below.

These are said person's last known address to the subscriber.

Secretary, RCRA Enforcement Branch

U.S. EPA, Region V

RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

| PART I | BACKGROUND | | | | | | | | |
|----------|-------------------------------|--------------|-------------|---------------|---------------|--|--|--|--|
| | Facility Name UNITED MUSICAL | INSTRUMENTS | | | * | | | | |
| | Facility RCRA ID Number OHD | 004 153 854 | | | | | | | |
| | Docket Number V-W-92-R-010 | | | | | | | | |
| | REB Assignee Jean Gromnicki | ORC As: | signeeNicl | < Bollo | | | | | |
| ā. | Summary of Agreement Payment | t of penalty | \$4000 | | | | | | |
| | | | | | | | | | |
| PART II | CONCURRENCES ON DRAFT CAFO | | | | | | | | |
| | | Initials | Date | Agree | Disagree | | | | |
| | REB Assignee | 16 | 831 | | 2 | | | | |
| | Chief, RCRA Enf. Section | y Em | 8/31/92 | | | | | | |
| | Chief, RCRA Enf. Branch | AMB | 8/3/1/92 | V W/comm | vents | | | | |
| • | Asst. Regional Counsel | XX | 9/2/92 | | | | | | |
| | Chief, S.W.E.R. Section | 101 | 9/4/1 | | - | | | | |
| PART III | RETURN TO ORC ASSIGNEE FOR TR | ANSMITTAL OF | DRAFT TO TH | HE FACILIT | -γ | | | | |
| PART IV | FINAL CAFO APPROVAL | | | | | | | | |
| | REB Assignee | 14 | 10.1.92 |) | (| | | | |
| | Chief, RCRA Enf. Section | VEM | 10.7.92 | | | | | | |
| | Chief, RCRA Enf. Branch | ThB | 10-8-92 | | | | | | |
| | Asst. Regional Counsel | | 19/9/92 | | | | | | |
| | Chief, S.W.E.R. Section | Alk | 10/9/97 | V | | | | | |
| | Assoc. Dir., Office of RCRA | 1 Just 1 | W1492 | | | | | | |
| 4 | Director, WMD | 90 | 10/14/92 | | | | | | |
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

DATE: OCT 1 4 1992

SUBJECT: United Musical Instruments, Inc.

Consent Agreement and Final Order

OHD 004 153 854

FROM: Norman R. Niedergang, Acting Associate Division Director Office of RCRA

ORIGINAL SIGNED BY GERALD W. PHILLIPS

TO: William E. Muno, Acting Director Waste Management Division

Please find for your review and signature two copies of a Consent Agreement and Final Order (CAFO) to resolve the above-referenced matter.

The Amended Complaint against UMI, Inc., (the facility) alleges that the facility failed to submit information required for a Part B post-closure permit or a equivalency demonstration to the RCRA Permitting Branch as opposed to the allegation in the original Complaint, that the facility failed to submit the requested information to the US EPA.

The facility has submitted all required information to the RCRA Permitting Branch and the equivalency demonstration was approved on June 30, 1992.

The Amended Complaint proposes a total penalty of \$4000, as indicated in the attached document, and the facility agreed to pay the total penalty of \$4000.

In consideration of the conditions as stated above, I recommend that you sign the CAFO on behalf of Region V. Please return the signed CAFO to Joseph Boyle, Chief of the RCRA Enforcement Branch, for proper distribution of signed copies.

Attachment CAFO.LTR. JEANS DISK

applated

| SIGNATUR | E/INITI/ | AL CONCUP | RENCE R | EQUESTED - | - RCRA ENI | ORCEMEN | T BRANCI | 1 (REB) |
|-----------|----------|-----------|---------|------------|------------|---------|----------|----------|
| | IL/IN | MI/WI | MN/OH | IL/MI/WI | IN/MN/OH | REB | RCRA | WMD |
| TYP. AUTH | TES | TES | TES | EPS | EPS | BRANCH | ASSOC. | DIVISION |
| | CHIEF | CHIEF | CHIEF | CHIEF | CHIEF | CHIEF | DIR. | DIRECTOR |
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OCT 27 1992

US ENVIOUS ENTAL PROTECTION AGENCY HR-80 EGION V

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

Mr. Ed Chesko Registered Agent for United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

Re: Consent Agreement and Final Order United Musical Instruments, U.S.A., Inc. Docket No. V-W-010-92

Dear Mr. Chesko:

This letter is to acknowledge receipt of the Consent Agreement and Final Order Signed by representatives of United Musical Instruments, U.S.A., Inc. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files. Your cooperation in resolving this matter is appreciated. Sincerely yours,

Norman R. Niedergang Acting Associate Division Director Office of RCRA

Enclosure

| 1 | SIC | SNATUR | RE/INITIA | AL CONCUP | RRENCE RI | EQUESTED - | - RCRA ENF | ORCEMEN | T BRANK | (REB) |
|---|----------------------|--------|-----------|-----------|-----------|------------|------------|---------|------------|----------|
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| | TYP. | AUTH | TES | TES . | TES | EPS | EPS | BRANCH | AS306 | DIVISION |
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CAFO.LTR. JEANS DISK

WASTE MANAGEMENT DIVISION DIRECTOR SIGNS CONSENT AGREEMENT AND FINAL ORDER IN RE: UNITED MUSICAL INSTRUMENTS, INC.

IMPACT: On October 14, 1992, the Region V Waste Management Division Director signed a Consent Agreement and Final Order ("CAFO") resolving an administrative enforcement action United Musical Instruments, Inc. ("UMI"). After an informal settlement conference at which the Respondent presented significant new information, the Region amended the original complaint and the Respondent agreed to pay the full proposed penalty of \$4,000.00 as set forth in the amended complaint and comply fully with standards applicable to generators of hazardous waste.

BACKGROUND: UMI operates a facility in Eastlake, Ohio, which produced hazardous wastes as a by-product of the production of brass musical instruments. During the years 1986 through 1991 UMI worked with the State of Ohio to clean-close four surface impoundments on their property. During the same period of time, UMI was in contact with RCRA technical enforcement personnel regarding the level of verification needed to demonstrate compliance with a previous Consent Agreement and Final Order ("CAFO") between UMI and U.S.EPA. At the same time the RCRA Permit Branch was requesting that UMI submit a RCRA Part B application or equivalency demonstration for post-In a letter dated September 20, 1990, and received by UMI, the company was instructed to submit the Part B application or equivalency demonstration to the U.S. EPA RCRA Permitting Branch. UMI failed to follow the instructions in the letter but did send a package of material to the program contact in the RCRA Enforcement Branch. That person, unaware of the Permitting Branch request, simply filed the submission.

On January 13, 1992, the Region V Director of the Waste Management Division issued a complaint against UMI citing UMI's failure to submit a Part B post-closure permit application or equivalency demonstration to the RCRA Permitting Branch. The original complaint proposed a penalty of \$81,000 based on the assumption that UMI had never submitted the required permit information. After learning that this was not the case, we decided on what would constitute an reasonable penalty in light of the fact that the required information had been submitted on time but to the wron EPA technical contact. Given all the facts and considering the probable defenses UMI would have raised to the imposition of the large penalty proposed in the original complaint, amending the original complaint to reflect the new information was considered the best course of action.

CONTACT: Nick Bollo

Solid Waste and Emergency Response Branch 886-6828

IRANSMITTAL Fax #

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) STATES GENERAL SERVICES ADMINISTRATION PROTECTION AGENCY ION V DEFORE THE ADMINISTRATOR

In the Matter of: United Musical Instruments U.S.A. Inc. 33999 Curtis Boulevard Eastlake, Ohio

Docket No. V-W-92-R-010 Judge Henry B. Frazier

EPA I.D. No.: OHD 004 153 854

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT INSTANTER

Pursuant to Sections 22.14(d) and 22.16 of the Rules of Practice ("Rules"), 40 C.F.R. Secs. 22.14(d) and 22.16, Complainant, the United States Environmental Protection Agency, moves this Court for leave to file its accompanying "First Amended Complaint, Findings of Violation, and Compliance Order" ("Amended Complaint"), instanter. In further support of this Motion, Complainant states as follows:

- 1. Complainant filed its Complaint in this matter on January 13, 1992.
- 2. The Respondent, United Musical Instruments, filed its Answer on or about April 10, 1992.
- 3. Complainant and Respondent met for purposes of discussing settlement on February 6, 1992. Counsel for the Parties have subsequently held several telephone conferences, also for purposes of exploring settlement. Pursuant to these discussions, Complainant has received certain additional information from the Respondent relating to the allegations of the Complaint. This additional information has been reviewed by Complainant and, in light of that information, Complainant is

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filing, with this Motion, its Amended Complaint, restates certain of the allegations in the Complaint, subject to the approval of this Court as provided at Section 22.14(d) of the Rules.

- Pursuant to Section 22.14(d) of the Rules, 40 C.F.R. Sec. 22.14(d), after the filing of an answer, Complainant may amend its Complaint only upon motion granted by the Court.
- 5. The Amended Complaint differs substantively from the Complaint only in that the Amended Complaint alleges that the Respondent failed to submit information required for a Part B post-closure permit to the RCRA Permitting Branch as approsed the allegation that the Respondent failed to submit the requested information to U.S. EPA. The Compliance Order portion of the Amended Complaint has also removed the requirement that the Respondent submit the required information. In light of these changes which the Respondent of aware of and agress to, no prejudice is created by the filing of the Amended Complaint.
- б. As a result of the settlement conference and the subsequent telephone conferences, the parties have also reached a settlement in principle of the remaining allegations in the Complaint.
- Complainant has prepared a Consent Agreement Final Order ("CAFO") that Respondent, after review by counselthas signed. reviewed and agreed to (along with this motion and a copy of the Amended Complaint), for review and signature.
- Counsel for Complainant discussed the filing of this Motion with Respondent. Counsel for Respondent indicated that Respondent was not opposed to this Motion.

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9. Because this Motion is timely, because good cause (including an agreement resolving this matter) exists for granting this Motion, and because Respondent does not object and will not be prejudiced thereby, this Court should grant this Motion and allow Complainant leave to file its accompanying Amended Complaint instanter.

WHEREFORE, Complainant, the United States Environmental Protection Agency, moves this Court for an Order granting Complainant leave to file its accompanying Amended Complaint instanter.

Respectfully submitted,

Nicholas R. Bollo
Assistant Regional Counsel
United States Environmental
Protection Agency, Region V
Mail Code CS-3T
77 West Jackson Street
Chicago, Illinois 60604-3590
(FTS/312) 886-6828

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CERTIFICATE OF SERVICE

| _ I, Je | an Sharp, hereb | y certify | that I ca | aused copie | s of the | |
|-------------------|------------------|-----------|-----------|--------------|-----------------------------------|----|
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| pe served this | via first-class | United St | ates mai | l, postage | prepaid, | on |
| CIITE | day of | · | 1992, upo | on the foll | owing: | |

Judge Henry B. Frazier
Office of Administrative Law Judges
United States Environmental
Protection Agency
Mail Code A-110
401 M Street, S.W.
Washington, D.C. 20460

and

Charles P. Fox Weil, Freiburg, Thomas & Petersen 55 West Monroe Suite 900 Chicago, Illinois 60603

> Jean Sharp, Office of RCRA U.S. EPA, Region V

RCRA ENFORCEMENT ACTION SIGN-OFF

| PARI | 1. | BACKGROUND | |
|------------|------|---|--|
| | | FACILITY NAME | UNITED MUSICAL INSTRUMENTS |
| | | FACILITY LOCATION | 33999 CURTIS BOULEVARD |
| | | RCRA ID NUMBER | OHD 004 153 854 |
| | | ASSIGNEES | REBJEAN GROMNICKI ORC NICK BOLLO |
| | | NATURE OF VIOLATION | FAILURE TO SUBMIT POST CLOSURE PERMIT |
| | | DATE OF DISCOVERY | APRIL 1, 1990 |
| | | DATE OF REFERRAL | () NOT APPLICABLE |
| | | ANY OTHER OUTSTANDING | G OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY: |
| PART | II. | RECOMMENDATION | FILE AMENDED COMPLAINT |
| | | | |
| PART | III. | CONCURRENCES ON DRA | AFT . |
| | | | INITIALS DATE AGREE DISAGREE |
| 54 - 65 | | PREPARER | -lt 6:16:92 (X) |
| | | CHIEF, RCRA ENF. SE | RANCH 5m B 8/3/92 (1) |
| | | ASSISTANT REGIONAL BOLLO | COUNSEL 8/10 (1/) |
| DADT | -117 | | |
| PART | 1V. | NAME & DATE OF 3008 | R(a)(2) NOTICE LETTER |
| | | | |
| PART | ٧. | APPROVAL | |
| | | 1. PREPARER | Jt 9.11.92 (V) () |
| | | 2. CHIEF, RCRA ENF. 3. CHIEF, RCRA ENF. | BRANCH CAMB TO 18/92 (1) |
| | | 4. ASSISTANT REGION | 10/9/92 () |
| | | 5. CHIEF, S.W. & E. | |
| 2. | | 6. ASSOC. DIR., OFF | ICE OF RCRA CHISTOTIC (1) () |
| NOTF . | At | tach sign_off sheets | to vollow convert the enforcement |

yellow copy of the enforcement action.

Leturn to C. Perry, HRE-85

LAW OFFICES

WEIL, FREIBURG, THOMAS & PETERSEN, P.C.

XEROX CENTRE 55 WEST MONROE STREET SUITE 900 CHICAGO, ILLINOIS 60603

RICHARD B. WEIL JAMES P. FREIBURG MAUREEN M. THOMAS DALE R. PETERSEN CHARLES P. FOX

April 10, 1992

TELEPHONE (312) 641-3333 TELEFAX (312) 641-2509

VIA HAND DELIVERY and CERTIFIED MAIL -RETURN RECEIPT REQUESTED

Ms. Beverly Shorty Regional Hearing Clerk (5MF -14) U.S. EPA 230 S. Dearborn Chicago, Illinois 60604

Mr. Nicholas Bello, Esq. U.S. EPA Office of Regional Counsel (5CS-TUB-3)

Re: Complaint, Findings of Violation and Compliance Order
United Musical Instruments U.S.A., Inc.,
OHD 004 153 854

Dear Ms. Shorty and Mr. Bollo:

I am enclosing the response filed by Respondent on April 10, 1992 in the above-referenced case. I am also enclosing Respondent's Request for a Hearing that was also filed on April 10, 1992.

Yours very truly,

Charles P. Fox

CPF: vl Enclosures

cc: Mr. Ed Chesko Mr. Jack Haynes

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) |
|------------------------------|-------------------------|
| UNITED MUSICAL INSTRUMENTS |) |
| U.S.A., INC. |) DOCKET NO. V-W-010-92 |
| 33999 CURTIS BOULEVARD |) |
| EASTLAKE, OHIO 44094 |) OHD 004 153 854 |
| |) |
| EPA I.D. No: OHD 004 153 854 |) |

RESPONDENT'S REQUEST FOR HEARING

NOW COMES the Respondent, United Musical Instruments, U.S.A., Inc., by and through its attorneys, Weil, Freiburg, Thomas & Petersen, P.C., and requests a hearing on the complaint filed herein for the purpose of contesting material factual allegations set forth in the Complaint pertaining to alleged violations, Compliance Order and proposed penalty.

Respectfully submitted,

... (Alan 1

One of Respondent's attorneys

Charles P. Fox
James P. Freiburg
Attorneys for Respondents
Weil, Freiburg, Thomas & Petersen, P.C.
55 West Monroe St., Ste. 900
Chicago, Illinois 60603
(312) 641-3333

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) | | |
|--|---|------------|------------|
| UNITED MUSICAL INSTRUMENTS U. S. A., INC. 33999 CURTIS BOULEVARD EASTLAKE OHIO 44094 |) | DOCKET NO. | V-W-010-92 |
| EASTLAKE, OHIO 44094 EPA I.D. No: OHD 004 153 854 |) | | |

UNITED MUSICAL INSTRUMENT U.S.A., INC.'S RESPONSE TO COMPLAINT

NOW COMES the respondent, UNITED MUSICAL INSTRUMENTS U.S.A., INC., by and through its attorneys, Weil, Freiburg, Thomas & Petersen, P.C., and in response to the complaint, states as follows:

- Respondent admits the allegations in paragraph one (1) of the Findings of Violation.
- 2. Respondent admits that its registered agent is Ed Chesko and its offices are located at 33999 Curtis Boulevard, Eastlake, Ohio, but denies that it is a Ohio corporation, stating affirmatively that it is an Indiana corporation.
- 3. Respondent admits the allegations in paragraph three (3) of the Findings of Violation.
- 4. Respondent admits the allegations in paragraph four (4) in the Findings of Violation.
- 5. Respondent admits the allegations in paragraph five (5) in the Findings of Violation.

- 6. Respondent admits the allegations in paragraph six (6) in the Findings of Violation.
- 7. Respondent denies that it filed a notification of hazardous waste activity, but states affirmatively that, on information and belief, that a predecessor corporation filed said notification.
- 8. Respondent denies that it filed Part A of the permit application with the U.S. EPA pursuant to Section 3005 of RCRA, but states affirmatively that, on information and belief, a predecessor corporation filed said Part A of the permit application.
- 9. Respondent admits the allegations in paragraph nine (9) of the Findings of Violation.
- 10. Respondent denies the allegations of paragraph ten (10) of the Findings of Violation based upon the facts stated in affirmative defense below.

AFFIRMATIVE DEFENSE

11. Respondent states affirmatively that in September, 1990,
Kevin Moss, an EPA employee who has been coordinating
Respondent's post-closure activities, informed Respondent
that its Post-Closure Groundwater Sampling report being
prepared by the firm HzW, environmental consultants,
would in substance constitute an "equivalency
demonstration" under 40 CFR 270.1(c).

- 12. Respondent states further that Kevin Moss informed it that he would organize the report prepared by HzW into a format required under 40 CFR 270.1(C), and that such report should be submitted to him not R. Mark Sattelburg, notwithstanding the U.S. EPA's letter dated September 20, 1990 to Respondent. Kevin Moss further stated that the equivalency demonstration report should also be submitted to the Ohio EPA.
- 13. Respondent, acting in accordance with the oral directions given to it by Kevin Moss, transmitted its equivalency demonstration report, on or about February 27, 1991, to the Ohio EPA, and to Kimberly Ogle, Kevin Moss' successor at the U.S. EPA. (See letter dated February 27, 1991 attached hereto as Exhibit 1).
- 14. Respondent's filing of the equivalency demonstration on or about February 27, 1991 was within the time required by the U.S. EPA in its letter to Respondent, dated September 20, 1990.
 - 15. On or about July 2, 1991, Ohio EPA determined that Respondent had achieved clean closure. (See letter dated July 2, 1991 attached hereto as Exhibit 2).
 - 16. From February, 1991 until the filing of the complaint in January, 1992 herein, the Respondent was never informed that its equivalency demonstration report was deficient, or did not meet the requirements of 40 CFR 270.1(c).

- 17. Respondent has at all times endeavored to act in the utmost good faith to effectuate proper closure and to file in a timely way all documents required by the Ohio EPA and U.S. EPA.
- 18. Pursuant to the U.S. EPA's RCRA Civil Penalty Policy (October, 1990 ed.), the alleged violation, at best, falls within the minor-minor parameters of the penalty matrix.
- 19. Applying the penalty matrix factors, first, there is little, if any, "potential for harm" because as the Ohio EPA indicated in its July 2, 1991 letter to Respondent clean closure has been accomplished and, therefore, the risk of exposure to the environment and to humans is minimal. The alleged violation in this case falls squarely within the illustration of "minor potential for harm" contained in the Penalty Policy (See RCRA Penalty Policy at 17, par. 3).
- 20. The "extent of deviation from requirement" factor, second, under the facts alleged, falls within the "minor" range. Under the example, (Example 1, RCRA Penalty Policy at 18) contained in the penalty policy, the alleged violation does not even reach the level of that which is considered in the example to be "minor."
- 21. The complaint filed herein, third, does not allege multiple violations of different RCRA requirements, so

- therefore, the "multiple and multi-day penalty" parameter of the penalty policy does not apply to this case.
- 22. The noncompliance alleged in the complaint, fourth, would not confer an "economic benefit" on the Respondent. The Respondent has undertaken, at great expense in time and money, to prepare an "equivalency demonstration" which, based upon Kevin Moss' representations to Respondent, it believed would be sufficient. Furthermore, there is no economic benefit conferred on the Respondent by "delayed costs" since there has been no delay in filing what Respondent in good faith believed to be an equivalency demonstration, as required under RCRA.
- All of the "adjustment factors" indicate the Respondent 23. has acted in good faith, and indicate that any potential penalty under the facts alleged in the complaint fall within the "minor" range. The Respondent over a period of years has undertaken to diligently comply with the requirements as communicated to it by Kevin Moss. extensive undertaken Respondent has monitoring and other remedial measures to correct RCRA Furthermore, it was the violations on its premises. Respondent's predecessor on the premises which caused the RCRA violations that lead to Respondent undertaking its

closure actions. The "adjustment factors" weigh heavily towards a downward adjustment of a penalty, if any, for the alleged violations.

Respectfully submitted,
UNITED MUSICAL INSTRUMENTS,
U. S. A., INC.

y: Ane of its attorne

Charles P. Fox
James P. Freiburg
Attorneys for Respondent
WEIL, FREIBURG, THOMAS & PETERSEN, P.C.
55 W. Monroe St., Ste. 900
Chicago, IL 60603
(312) 641-3333



EXHIBIT 1

United Musical Instruments U.S.A., Inc. . 33999 Curtis Blvd. . Eastlake, OH 44093 . (216) 94646100 . FAX (216) 951-3536

February 27, 1991

Jeff Patzke Onio EPA Division of Groundwater 1800 Watermark Dr. Columbus, OH 43266-0149

FB: Clean Closure Plan

Dear Mr. Patzke:

This report serves notice that United Musical Instruments U.S.A., Inc. has fully complied with the requirements of the Clean Closure Plan as first submitted in January, 1986. As the attached report indicates, HZW has consolidated the efforts taken by UMI to close the filter beds over the past five years.

We have reviewed the report and agree with its completeness outlining subsequent amendments to include seasonal quarterly groundwater samplings. The results substantiate that the former use of the filter bads did not adversely affect groundwater quality at this facility.

Therefore, we anticipate that the quarterly monitoring will no longer continue, and we respectfully request a Clean Closure Certification. After five long years, we look forward to putting this behind us, focusing our attention to the manufacturing of musical instruments and our continued responsibility of ensuring a clean environment for the community.

Thanking you in advance for your prompt attention and timely response.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

Robert R. Stone Mfg. Engineer

Solvet P Store

RRS/dml

Encls.

oc. Rimberly Ogle, USEPA, Region V

Armstrong Woodwinds * Artley Woodwinds * Benge Professional Brass Conn Brasswinds * King Brasswinds * Schert & Roth Shinged Instruments



JUL 08 1991

EXHIBIT 2

?.O. Box 1049, 1800 WaterMark Dr. Columbus, Ohio 43266-0149 (614) 644-3020 FAX (614) 644-2329

George V. Voinovich Governor

July 2, 1991

Re: United Musical Instruments

US EPA ID No.: OHD004153854

Completion of Closure

United Musical Instruments Attn: Mr. Edward H. Chesko 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Chesko:

According to our records, on August 26, 1986, the Director of Ohio EPA approved a closure plan submitted by United Musical Instruments for the hazardous waste filter beds located at 33999 Curtis Blvd., Eastlake, Ohio 44094. On October 5, 1987, United Musical Instruments submitted to the Director a certification that the hazardous waste filter beds had been closed in accordance with the specifications in the approved closure plan. Ohio EPA District Office personnel completed a certification of closure inspection and a review of documents pertaining to the hazardous waste filter beds on June 7, 1991. Based on this inspection and review, the Ohio EPA has determined that the hazardous waste filter beds have been closed in accordance with the approved closure plan and Rules 3745-66-12 through 3745-66-15 of the Ohio Administrative Code (OAC) and United Musical Instruments will maintain the status of a large quantity generator.

You should continue to use the identification number assigned to you for purposes of compliance with the Ohio EPA manifest, recordkeeping and reporting requirements for large quantity generators of hazardous waste as appropriate.

If you have any questions concerning your current status, please contact Ohio EPA, Northeast District Office, Attn: Karen L. Nesbit, 2110 E. Aurora Rd., Twinsburg, Ohio 44087, tel.: (216) 425-9171.

Please note that you must notify US EPA of your change in status, if you have not already done so. Moreover, this letter does not

United Musical Instruments Completion of Closure Pg. 2

relieve you of any corrective action responsibilities that may be required.

If you have further questions concerning this procedure, call Randy Sheldon, Data Management Section at (614) 644-2977.

Very truly yours,

Thomas E. Crepeau, Manager
Data Management Section

Division of Solid and Hazardous Waste Management

TC/rs

cc: Kevin Pierard, US EPA Region V
Lisa Pierard, US EPA Region V
Hazardous Waste Facility Board
Randy Meyer, RCRA TAS, DSHWM
Laurie Stevenson, HW ES, DSHWM
Karen L. Nesbit, NEDO, DSHWM
File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

Mail Code A-110

JUN 5 1992

Chief Administrative Law Judge

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Nicholas R. Bollo, Esquire Assistant Regional Counsel U.S. EPA, Region 5 (5CS-TUB-3) 77 West Jackson Boulevard Chicago, IL 60604-3590

Charles P. Fox, Esquire James P. Freiburg, Esquire Weil, Freiburg, Thomas & Petersen, P.C. 55 W. Monroe St., Ste. 900 Chicago, IL 60603

Subject: United Musical Instruments U.S.A., Inc.

Docket No. V-W-010-92

To the Parties:

As you have been previously notified, I have been designated by my order dated April 12, 1992, to preside in this proceeding under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), Section 3008, 42 U.S.C. 6928 (Supp. V, 1981).

This proceeding shall be governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. Agency policy encouraging settlement is expressed in the rules of practice governing these proceedings, 40 C.F.R. 22.18(a), and the parties may be attempting to settle this matter. Counsel for Complainant is directed to file a statement on or before July 17, 1992, as to whether this matter has been settled, or as to the status of settlement negotiations.

If the case is not settled by that date, I propose to accomplish by this letter some of the purposes of a prehearing conference, as permitted by the rules of practice, 40 C.F.R. 22.19(e).

Accordingly, it is directed that the following prehearing exchange take place:

By Complainant and Respondent

- 1. As required by the rules of practice, 40 C.F.R. 22.19(b), each party shall submit the names of the expert and other witnesses intended to be called at the hearing with a brief narrative summary of their expected testimony, and copies of all documents and exhibits intended to be introduced into evidence. The documents and exhibits shall be identified as "Complainant's" or "Respondent's" exhibit, as appropriate, and numbered with Arabic numerals (e.g., Complainant's Ex. 1).
- 2. Each party shall submit its views as to the place of hearing. See the rules of practice, 40 C.F.R. 22.21(d) and 22.19(d).

To the extend not covered by the foregoing, the following should also be submitted:

By Complainant

- Submit copies of the documents described in paragraphs 7, 8 and 9 of the complaint.
- 2. State the Complainant's position as to the matters alleged in paragraphs 11 through 23 of Respondent's answer.
- 3. Show how the proposed penalty is reasonable taking into account the seriousness of the alleged violation and the Respondent's good faith efforts to comply with the applicable requirements pursuant to 42 U.S.C. § 6928(a)(3) and is consistent with the RCRA Civil Penalty Policy (October 1990).

By Respondent

1. State whether Respondent intends to defend against the proposed penalty on the grounds of inability to pay penalty. If it does intend to raise this defense, state the factual basis therefor and submit copies of any documents (e.g., an audited financial statement) in support thereof.

If the case is settled, the Consent Agreement and Final Order signed by the parties should be submitted no later than August 14, 1992. If a Consent Agreement and Final Order have not been signed by that date, the prehearing exchange directed above should be mailed or delivered to the Regional Hearing Clerk, the opposing party and the undersigned Presiding Officer on August 14, 1992. The parties will be expected to make this prehearing exchange unless prior to the due date a motion for an extension of time has been filed pursuant to 40 C.F.R. 22.07(b). The parties will then have until August 24, 1992, to reply to statements or allegations of the other party contained in the prehearing exchange.

The original of the prehearing exchanges and replies thereto shall be filed with the Regional Hearing Clerk and copies, with any attachments, shall be served on the opposing party and the undersigned Presiding Officer. If photographs are to be submitted in the prehearing exchange, the party submitting such photographs should provide clear prints of the actual photograph to each recipient of the prehearing exchange. (Copies reproduced on a duplicating machine will not be acceptable.) Upon receipt of the prehearing exchanges and the replies thereto, consideration will be given as to whether further correspondence is desirable or whether the matter will be scheduled for a hearing. Any ruling which may be necessary concerning Respondent's request for a delay in the hearing will be made at that time.

Failure of the parties to comply with any directive contained herein will delay further processing of this matter.

Sincerely,

Henry B. Frazier, III

Chief Administrative Law Judge

IN THE MATTER OF UNITED MUSICAL INSTRUMENTS U.S.A., INC., Respondent, Docket No. V-W-010-92

Certificate of Service

| | I | here | by | certi | .fy | that | this | Pre | <u>hea</u> | <u>ring</u> | <u>Letter</u> , | dated |
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| | JL | JN 5 | 1992 | | was | mailed | this | day | in | the | following | manner |
| to | the | below | add | lresse | es: | | | | | | | |

Original by Regular Mail to:

Beverely Shorty
Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Copy by Certified Mail, Return Receipt Requested, to:

Attorney for Complainant:

Dean Ingemansen, Esquire
Office of Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Attorneys for Respondent:

Charles P. Fox, Esquire James P. Freiburg, Esquire Weil, Freiburg, Thomas & Petersen, P.C. 55 W. Monroe St., Ste. 900 Chicago, IL 60603

Doris M. Thompson

Secretary

| Dated: | JUN | 5 | 1992 | |
|--------|-----|---|------|--|
| | | | | |



JOHN J. HAYNES Corporate Director of Human Resources

United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake,

33999 Curtis Blvd. Eastlake, OH 44094 (216) 946-6100 Telex: 241113

January 16, 1992

BEGENE

JAN 17 1992

OFFICE OF RCRA Waste Management Division U.S. EPA, REGION V.

USEPA, Region V
Waste Management Division
230 South Dearborn St.
Chicago, IL 60604

RCRA Enforcement Branch (5HR-12)

RE: Complaint, Findings of Violation and Compliance United Musical Instruments U.S.A., Inc. OHD 004 153 854

Dear Ms. Gromnicki:

Jean A. Gromnicki

Pursuant to our telephone conversation, please find two copies, as originally requested, of the equivalency demonstration (post-closure groundwater sampling).

As we discussed, the report was sent within six months to the USEPA to the attention of Kim Ogle.

This should fulfill the obligation of the compliance order submitting the equivalency demonstration as required by 40 CFR 270.1(c).

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Haynes

Corporate Director of Human Resources

JJH/dml (0002e) Encls.

cc: E. Chesko, UMI

J. Freiburg, Esq.

R. Giglio, UMI

K. Ogle, USEPA

D. Petersen, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

JAN 1 3 1992

REPLY TO ATTENTION OF: HRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ed Chesko Registered Agent for United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

> Re: Complaint, Findings of Violation and Compliance Order United Musical Instruments, U.S.A., Inc. OHD 004 153 854

Dear Mr. Chesko:

V-W- 01 0 . 92

Enclosed please find a Complaint and Compliance Order which specifies the United States Environmental Protection Agency's (U.S. EPA) determination of certain violations by United Musical Instruments, U.S.A., Inc. of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. \$6901 et seq. This Agency's determination is based on United Musical Instruments failure to respond to a formal request dated September 20, 1990, requesting submittal of a Part B post-closure permit application or equivalancy demonstration by the U.S. EPA. The findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA regulations codified at 40 CFR Part 270.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverely Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should be sent to Nicholas Bollo, Office of Regional Counsel (5CS-TUB-3) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference. Topics for discussion at the settlement conference may include the establishment of a compliance schedule or the mitigation of the proposed penalty in accordance with Agency guidance on pollution prevention and supplemental environmental projects.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Ms. Jean Gromnicki, United States Environmental Protection Agency, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. Her phone number is (312) 886-4555.

Sincerely yours,

William E. Muno,

Associate Division Director

Office of RCRA

Waste Management Division

Enclosure

cc: Michael Savage, OEPA

Karen Nesbite. OEPA

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference. Topics for discussion at the settlement conference may include the establishment of a compliance schedule or the mitigation of the proposed penalty in accordance with Agency guidance on pollution prevention and supplemental environmental projects.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Ms. Jean Gromnicki, United States Environmental Protection Agency, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. Her phone number is (312) 886-4555.

Sincerely yours, William E. Muno, Associate Division Director Office of RCRA Waste Management Division

Enclosure

cc: Michael Savage, OEPA Karen Nesbite, OEPA

bcc: Robert Small, OS-520 Christina Moraga, 5HR-13 Beverely Shorty, 5MF-14 Ohio Permit Section, 5HR-13 Nicholas Bollo, 5CS-TUB-3

Uylaine McMahan, REB

5JCK-\Jean\Phyllis\6-8093\Jean\United.ltr\November 27, 1991

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| OTHER | ASS'T | S.W.E.R. | S.W.E.R. | REGIONAL |
| STAFF | REGIONAL | SECTION | BRANCH | COUNSEL |
| | COUNSEL | CHIEF | HIEF | |
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY!

REGION V

U.S. ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

UNITED MUSICAL INSTRUMENTS U.S.A., INC. 33999 CURTIS BOULEVARD EASTLAKE, OHIO 44094

EPA I.D. No: OHD 004 153 854

DOCKET NO.

COMPLAINT, FINDINGS OF VIOLATION AND COMPLIANCE ORDER

V-W- 01 0 - '92

This Complaint is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is United Musical Instruments U.S.A., Inc., located at 33999 Curtis Boulevard, Eastlake, Ohio.

This Complaint is based on United Musical Instruments' failure to submit a Part B post-closure permit application or equivalency demonstration formally requested by the U.S. EPA, on September 20, 1990.

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. \$6928(a)(1), and based on the information cited above. it has been determined that Respondent is in violation of 40 CFR Part 270.1(c).

<u>JURISDICTION</u>

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. \$6912(a)(1), \$6926(b), and \$6928 respectively. U.S. EPA has promulgated regulations codified at 40 CFR 260 through 271 governing generators and transporters of hazardous wastes and facilities that treat, store, and dispose of hazardous waste.

From July 15, 1983, until January 31, 1986, the State of Ohio had Phase I interim authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926. to administer a hazardous waste program in lieu of the Federal program. This authorization allowed either the State or U.S. EPA to enforce Ohio hazardous waste statutes and regulations, where applicable, in lieu of Federal statutes. U.S. EPA retained authority in matters related to the issuance of final RCRA Permits during this period. On January 31, 1986, the State of Ohio's Phase I interim authorization expired. On June 30, 1989, the State of Ohio was granted Final Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. \$6926(b) to administer a hazardous waste program in lieu of the Federal program. See 54 Federal Register 27,170 (1989). As a result, facilities in Ohio qualifying for interim status under Section 3005(e) of RCRA, 42 U.S.C. \$6925(e) are now regulated under the Ohio provisions found at Ohio Administrative Code (OAC) Rule 3745-50 et seg.. rather then the Federal regulations set forth at 40 CFR Part 265. Thus, this Complaint, Findings of Violation, and Compliance Order seek to enforce both Federal and State regulations, as applicable. Section 3008(a) of RCRA, 42 U.S.C. §6928(a), provides that U.S. EPA may enforce State regulations in

those States authorized to administer a hazardous waste program. Notice to the State pursuant to this section has been provided.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

- 1. Respondent, United Musical Instruments U.S.A., Inc., is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), who owns and operates a facility at 33999 Curtis Boulevard, Eastlake, Ohio, that generates hazardous waste.
- 2. Respondent is a Ohio Corporation whose registered agent is Ed Chesko, 33999 Curtis Boulevard, Eastlake, Ohio.
- 3. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored, or disposed of unless the required notification has been given.
- 4. U.S. EPA first published regulations concerning the identification, generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980. The regulations which concern the identification and listing of hazardous waste are codified at 40 CFR 261.

- 5. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA Permit. Such regulations are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.
- 6. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980, or on the effective date of regulatory changes that render a facility subject to permit requirements; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.
- 7. On August 18, 1980, Respondent filed a notification of hazardous waste activity for this facility with U.S. EPA pursuant to Section 3010 of RCRA.
- 8. On November 19, 1980, Respondent filed Part A of the permit application with the U.S. EPA pursuant to Section 3005 of RCRA.
- 9. On September 28, 1990, the Respondent received by certified mail, returned receipt requested, a formal request for submittal of a Part B post-closure permit application or equivalency demonstration, within 6 months, as required by 40 CFR 270.1(c), from U.S. EPA.

10. Respondent has not submitted the Part B post-closure permit application or equivalency demonstration as required pursuant to the formal request. This is a violation of 40 CFR 270.1(c).

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

- A. Respondent shall, immediately upon this Order becoming final (except as otherwise specified below), cease all treatment, storage, or disposal of any hazardous waste except such treatment, storage, or disposal as shall be in compliance with the standards for hazardous waste treatment, storage, and disposal facilities.
- B. Within 30 days of the effective date of this Order, Respondent shall submit to the U.S. EPA for review and approval, a Part B post-closure permit application or equivalency demonstration, as required by 40 CFR 270.1(c).
- C. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated above to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604. Attention: Jean A. Gromnicki, RCRA Enforcement Branch, (5HR-12).

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Mr. Michael Savage, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43266-0149.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violation cited herein, the potential harm to human health and the environment, the continuing nature of the violation, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of \$81,100.00 against the Respondent, United Musical Instruments, U.S.A., Inc. pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. \$6928. Attachment 1 of the Complaint provides a summary of the proposed civil penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. The facility name and docket number shall be provided with said payment. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the abovenamed Respondent to liability for a civil penalty of up to \$25,000.00 for each
day of continued noncompliance with the deadlines contained in this Order.

U.S. EPA is authorized to assess such penalties pursuant to RCRA Section

3008(c). U.S. EPA may collect interest on any amount overdue under the terms
of this Compliance Order at the rate established by the Secretary of the

Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of

\$20.00 will be imposed on any late payment, with an additional charge of

\$10.00 for any subsequent 30-day period over which an unpaid balance remains.

In addition, a six percent per annum penalty will be applied on any principal
amount not paid within 90 days of the date on which payment is due.

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty. Unless Respondent has filed an answer not later than 30 days from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Nicholas R. Bollo, Assistant Regional Counsel (5CS-TUB-3), at the

same address. Failure to answer within 30 days of receipt of this Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain: (1) a definite statement of the facts which constitute the grounds of defense; and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violation in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violation, and the effect of the proposed penalty on Respondent's ability to continue in business.

Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the 30-day time limit for responding to this Complaint or the 30-day time

limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Jean A. Gromnicki, RCRA Enforcement Branch (5HR-12), at the address cited above, or by calling her at (312) 886-4555.

| Dated | this | 10 Th | _day of | Janua | en el | , | 199]). |
|-------|------|-------|---------|-------|-------|---|----------------|
| | | | | | | | <i>~</i> |

William E. Muno,

Associate Division Director.

Office of RCRA

Waste Management Division

Complainant

U.S. Environmental Protection Agency

Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Mr. Ed Chesko Registered Agent United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

and

Mr. Howard H. Chesko General Manager United Musical Instruments, U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

Dated this /3 th day of farmary, 1991.

Secretary, Office of RCRA / U.S. EPA, Region V

Attachment 1 Penalty Summary

- Went thought these statements -

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) DOCKET NO. |
|---|---|
| UNITED MUSICAL INSTRUMENTS U.S.A., INC. ("U.M.I.") 33999 CURTIS BOULEVARD EASTLAKE, OHIO 44094 |)) COMPLAINT, FINDINGS OF) VIOLATION AND COMPLIANCE ORDER) |
| EPA T.D. NO: OHD 004 153 854 | |

U.M.I.'S STATEMENT OF FACTS

AUGUST, 1986 - UMI receives approval from OEPA for Closure Plan.

OCTOBER, 1987 - UMI submits to OEPA certified execution of the filter bed closure plan in accordance with the approved specifications.

OCTOBER, 1989 - After several meetings with Kevin Moss - USEPA, Kay Springer - OEPA and Jeff Patzke - OEPA, UMI receives guidelines from OEPA to verify and demonstrate that clean closure was, in fact, attained. Execution of guidelines began immediately (including, but not limited to, a groundwater sampling program approximately one year in length).

SEPTEMBER, 1990 - UMI receives notification of requirement for either a Part B post-closure application or equivalency demonstration.

Kevin Moss, USEPA, informs UMI (via conversation with Messrs. Jack Haynes and Edward W. Chesko of UMI) that its project which began in October, 1989 will be an equivalency demonstration.

Kevin Moss directs UMI to submit equivalency demonstration to him. Under cover of letter of February 27, 1991, UMI forwards equivalency demonstration to Kim Ogle (Kevin Moss' successor at the USEPA.)

FEBRUARY, 1991 - UMI submits to OEPA and USEPA (via Kim Ogle) the completed project as defined in the October, 1989 directive from OEPA and the requirements of the equivalency demonstration defined in the September, 1990 notification.

JULY, 1991 - UMI receives determination of clean closure from OEPA.

<u>JANUARY</u>, 1992 - UMI receives "Findings of Violation Complaint" from USEPA.

<u>ALL</u> of the above communications and letters involving any of the three parties (OEPA, USEPA and UMI) were copied to <u>ALL</u> parties.

Informal Settlement Conference Sign-In Sheet United Musical Instruments February 6, 1992

| Jan Geomnicki | acra Enforcement 886-4 |
|--|------------------------|
| Jane Neumann | RCR Enforcement 6-2871 |
| CAMERON DAVIS ORC | 353-6124 |
| Wick Bolls | EPA |
| Ocho J. Hayus | UMI. |
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Informal Settlement Conference Sign-In Sheet United Musical Instruments February 6, 1992

| Jan Geomnicki | PCRa Enforcement 886-45 |
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| Jane Neumann | RCR Enforcement 6-2871 |
| CAMERON BAVIS ORC | 353-6124 |
| Wick Bollo | EPA |
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Informal Settlement Conference Sign-In Sheet United Musical Instruments February 6, 1992

| Jean Geognicki | ACRA Enforcement 886-45 | 550 |
|-------------------|-------------------------|-----|
| Jane Neumann | RCR Enforcement 6-2871 | |
| CAMERON DAVIS ORC | 353-6124 | |
| Wick Bollo | EPA | |
| John J. Harfus | UMI. | |
| Dan Par | ATTORNEY for UM I | |
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1. eno to tile: United Musical alostrument OHD.004.153.854 11:00 am to 12:30 pm Sullement Conference Feb. 6, 1992 Jean Gromnicki Jane Niumann Cameron Davis Mick Bollo Jack Haynes umI Dale R. Peterson um Attorney - Um I is going to send the equivalence, demonstration in Complete format. Mark Sattle surg is the contact, you und has any questions No state penalty amount was offered. - um asked for a extension on filing an answer to request a hearing. - Mick Bollo had no problem with this request. - Mich at the informed um I that the request should (nick was going to check and make sure that was cornect), that

by Widnesday, Feb. 12,1992.

On January 13, 1992, the U.S. EPA issued an Administrative Complaint against United Musical Instruments, Inc. (UMI) of Eastlake, Ohio. UMI failed to submit a Part B post-closure permit application or equivalency demonstration formally requested in September of 1990. On February 6, 1992, UMI met with staff from U.S. EPA (ORC and RCRA Enforcement) in a settlement conference. An agreement was reached that UMI will submit the equivalency demonstration, but no penalty amount was discussed.

Contact: Jean Gromnicki (6-4555)

State of Ohio Environmental Protection Agency

ast District Office No" Aurora Road 2116 Twinsburg, Ohio 44087-1969 (216) 963-1200 (216) 425-9171

FAX (216) 487-0769

OFFICE OF RCRA Waste Management Division

George V. Voinovich Governor

U.S. EPA, REGION V.

September 23, 1991

RE:

UNITED MUSICAL INSTRUMENTS LAKE COUNTY OHD 004 153 854

RTC

CERTIFIED MAIL

Jack Haynes United Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Haynes:

Based on the documentation submitted on July 18, 1991, it appears that United Musical Instrument has returned to compliance for all six (6) violations noted in my June 25, 1991 notice of violation.

On July 2, 1991, Ohio EPA sent a letter to UMI in regards to the completion of the closure of the filter beds. If you have not received this notice, please contact Tom Crepeau, Data Management Section at (614) 644-3519.

If you should have any further questions regarding this matter, please feel free to contact me at (216) 963-1200.

Sincerely,

Karen L. Nesbit

Environmental Scientist

Division of Solid and Hazardous Waste

Management

KLN/fn

Harry Courtright, DSHWM, NEDO Laurie Stevenson, DSHWM, CO

Kim Ogle, Region V, USEPA



State of Ohio Environmental Protection Agency

Northeast District Office 110 E. Aurora Road fwinsburg, Ohio 44087-1969 (216) 963-1200 (216) 425-9171 FAX (216) 487-0769



George V. Voinovich Governor

Hard Cope

September 23, 1991

OFFICE OF RCRARE: UNITED MUSICAL INSTRUMENTS
Waste Management Division U.S.A., INC.
U.S. EPA, REGION W. JUNE 7, 1991 RCRA INSPECTION

Mr. John J. Hayes Corporate Director of Human Resources United Musical Instruments U.S.A., Inc. 33999 Curtis Blvd. Eastlake, Ohio 44045

Dear Mr. Haynes:

This office has received your July 18, 1991 response to the June 25, 1991 Ohio EPA Notice of Violation (NOV) sent to United Musical Instruments U.S. A. Inc. (UMI) by Ms. Karen Nesbit. Your response letter (with documentation) will be addressed in separate correspondence. I have also received your July 18, 1991 letter regarding the citation of violations and the manner in which the inspection was conducted. I apologize for the delay in responding to your concerns. I hope that any tension generated by the inspection will ease as I attempt to outline the Ohio EPA position on the citation of violations as well as discuss the role of the Ohio EPA inspector.

As you are well aware, our inspectors must assume the difficult task of becoming knowledgeable of engineering concepts, chemistry, hydrogeology, enforcement procedures, multiple industrial processes and numerous complex regulations. Our inspectors are required to be prepared, perceptive, inquisitive and thorough. Inspectors are also expected to conduct business in a professional manner. Ms. Nesbit has earned my respect as well as that of her fellow employees and I stand by her excellent reputation as a highly effective and professional RCRA inspector.

It is the position of the Ohio EPA Division of Solid and Hazardous Waste Management (DSHWM) that <u>all</u> violations of Ohio Hazardous Waste Management Rules and Regulations be cited in Notices of Violation sent to members of the regulated community. It is not the practice of DSHWM to send letters of "general compliance" to any regulated entity regardless of the perceived degree of severity of noted violations. Review of the inspection record reveals that the violations cited in the June 25, 1991 NOV were indeed observed during the inspection. Therefore, violations 2,3,4,5 and 6 will not be removed from record as requested. However, I understand your point (i.e., "misleading") on violation #6 and appreciate your bringing this item to my attention.

SEP 1 7 1991

Ms. Linda Welch Chief Division of Solid and Hazardous Waste Management Ohio Environmental Protection Agency P.O. Box 1049 Columbus. Ohio 43266-0149

Re: United Muscial Instruments, U.S.A., Inc. OHD 004 153 854

Dear Ms. Welch:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), this letter provides notice to you that the United States Environmental Protection Agency (U.S. EPA) is preparing to issue an Administrative Complaint under RCRA Section 3008(a) to United Musical Instruments, U.S.A., Inc., for failure to submit a Part B post-closure permit application or equivalency demonstration within six months from receipt of U.S. EPA's formal request for such documents.

If you have any questions about this Complaint, please contact Ms. Jean Gromnicki of my staff at (312) 886-4555.

Sincerely yours,

Joseph M. Boyle, Chief RCRA Enforcement Branch

bcc: Uylaine McMahan, REB

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RCRA ENFORCEMENT ACTION SIGN-OFF

PART I. BACKGROUND

| | | FACILITY NAME | UNITED MU | SICAL INSTRUM | IENTS | | | | |
|-------|-----|--|--------------|------------------------|-----------------------------------|-------------|----------------|--|--|
| | | FACILITY LOCATION | 33999 CUR | TIS BOULEVARD |) | | | | |
| | | RCRA ID NUMBER | OHD 004 1 | 53 854 | | | | | |
| | | ASSIGNEES | REB JEAN GRO | REB JEAN GROMNICKI ORC | | | | | |
| | | NATURE OF VIOLATION | FAILURE TO | O SUBMIT POST | CLOSURE | PERMIT | | | |
| | | DATE OF DISCOVERY | APRIL 1, | 1990 | | | a | | |
| | | DATE OF REFERRAL | | | (_{XX}) | NOT APP | LICABLE | | |
| | | ANY OTHER OUTSTANDING | | | | | | | |
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| PART | III | . CONCURRENCES ON DRA | FT | | | a | | | |
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| PART | IV. | NAME & DATE OF 3008 | (a)(2) NOTIC | E LETTER (in | an Welc | h. chance | | | |
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| PART | ٧. | APPROVAL | | b | | | | | |
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| | 5 | 6. ASSOC. DIR., OFF | ICE OF RCRA | WEM | 1/10/92 | | () | | |
| NOTE: | At | tach sign-off sheets | to yellow co | py of the end | orcement | action. | | | |



United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake, OH 44095 • (216) 946-6100 • FAX (216) 951-3536

July 18, 1991

Karen L. Nesbit
Environmental Scientist
Division of Solid and Hazardous Waste Management
Ohio EPA
Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087-1969

RE: United Musical Instruments U.S.A., Inc. Lake County OHD 004 153 854 Grant Commitment Inspection

Dear Ms. Nesbit:

Corrective action of said violations are listed below:

- 1) Per the attached PO (Attachment #1), appropriate D.O.T. placards will be offered to transporters per regulation OAC 3745-52-33.
- 2) The one (1) drum (emphasize one (1) drum, not drums) in the plating room, per the photograph (Attachment #2), closed per required OAC 3745-66-73(A).
- 3) Attachment #3 displays a copy of the received inspection log form which includes the "time" of the inspection as required, OAC 3745-66-74(B).
- 4) A telephone, per the photograph (Attachment #4) and PO (Attachment #5) has been installed to secure immediate access to a communication device in the drum accumulation area as required. OAC 3745-65-32(B) and OAC 3745-65-34.
- 5) Let it be noted that the facility did not fail to document that all spill control and decontamination equipment, fire and communication equipment is listed on a weekly basis. Per Attachment #6, the inspection form used, as required by our insurance carrier includes all required except the "time" of the inspection.
- 6) Let it be noted that the facility has not failed to maintain copies of all land disposal restriction notifications for a period of five years as required.

Karen L. Nesbit Page 2 July 18, 1991

You were present when the "fax" came in regarding the pick-up of waste water sludge which was on June 4, 1991, three (3) days earlier. You stated that technically the disposal restriction notification was not attached so this would lead to a violation.

The statement that the facility "for the past five years has failed to maintain copies of all land disposal restriction notifications is misleading.

UMI has cooperated with both the Ohio and Federal EPA throughout its history. The Company has spent hundreds of thousands of dollars at the Eastlake facility to keep in compliance.

If any other information is needed regarding these issues, please feel free to contact myself or Ed Chesko at your earliest convenience.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

alpus

John J. Haynes

Corporate Director of Human Resources

JJH/dml

CC: Harry Courtright, DSHWM, NEDO
Laurie Stevenson, DSHWM, CO
Kim Ogle, Region V, USEPA
Nancy Zikamis, OEPA
Matt Knecht, HzW
Craig Juday, CT Consultants
Edward Chesko, UMI-Eastlake
David Jackson, UMI-Eastlake
Rocco Giglio, UMI-Vice Chairman





ATTACHMENT #1

P.O. NO. K69327 P.O. DATE 07/19/91

VE')R NO.

ISSUED

TO

46010

(216) 946-6100

KELLER, J.J. & ASSOC. INC. 145 WEST WISCONSIN AVE. NEENAH WI 54956 SHIP & BILL TO

UNITED MUSICAL-EASTLAKE 33999 CURTIS BLVD. EASTLAKE OH 44095

| DEPARTMENT | SHIP VIA | EOB | C 1 NO |
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| PURCHASING | <u> </u> | r.O.B. | G.L. NO. 051510599 |
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cceptance and fulfillment of this purchase order by you constitutes your ckn 'edgement that all material was produced in conformity with all pplouse federal and state laws and regulations.

our purchase order number must appear on all invoices and packing lists.

cknowledge receipt of this order and advise if shipment will be made when pecified.

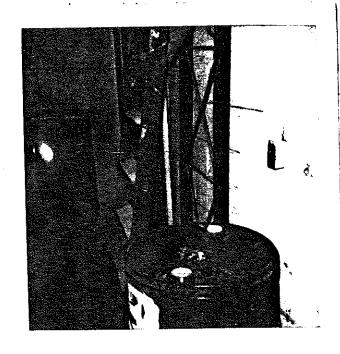
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BY: Ken

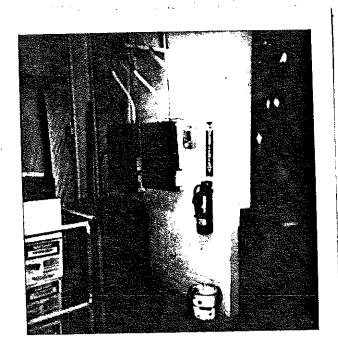
BY:

United Musical Instruments U.S.A., Inc.

VENDOR



ATTACHMENT #2



ATTACHMENT #4

HAZARDOUS STORAGE AREA

LOG OF WEEKLY CONTAINER INSPECTION

E.P.A.

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PURCHASE ORDER



A ACHMENT #5

P.O. NO. K69278 P.O. DATE 7/01/91

(216)945-5180

VENDOR NO.

66669

ISSUED TO EXECUTONE - CLEVELAND 24441 MILES ROAD

UNIT A

WARRENSVILLE HT OH 44128

SHIP &

BILL

TO

UNITED MUSICAL-EASTLAKE

33999 CURTIS BLVD.

EASTLAKE

OH 44295

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We reserve the right to reject and return for full credit, at your expense, any material not in accordance with our specifications, or unfit for our requirements due to errors or defects in manufacture.

A tance and fulfillment of this purchase order by you constitutes your acknowledgement that all material was produced in conformity with all applicable federal and state laws and regulations.

Our purchase order number must appear on all invoices and packing lists.

Acknowledge receipt of this order and advise if shipment will be made when specified.

INCLUIE (M.S.L.S.) ON ALL PRODUCTS
AFFIX RIGET TO KNOW LABEL

| BYį) | . |
|---|--------------|
| BY: United Musical Instruments U.S.A., Inc. | _ |

DECHIOITICKIED

SAMPLE ONLY NO ONE BLANK CAN BE DESIGNED TO FIT ALL CONDITIONS. USE THIS BLANK AS A BASIC GUIDE IN DEVELOPING YOUR OWN FORM. ITEMS THAT DO NOT APPLY CAN BE OMITTED. OTHER ITEMS CAN BE EXPANDED. S DESIRED, AND NEW ITEMS CAN BE ADDED. FOR ASSISTANCE, CONS. THE NEXT FACTORY MUTUAL ENGINEER WHO VISC. DUR PROPERTY.

FIRE PREVENTION INSPECTION

ATTACHMENT #6

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| HOS | RANTS & SE | HYDR | NO. 2 NANTS DRAINED Yes N | 2 | | | NO. | . 4 EMARKS | | · · · · · · · · · · · · · · · · · · · | NO. 6 | -01104 | |
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| HYDE HOS GENI ORD NEAT | RANTS & SE ERAL DER & TNESS | HYDR GOOD DEFEC | NO. 2 | Yes C | D | No. | COMB | . 4 EMARKS BUSTIBL BUSTIBL INGS, BE | LE WASTE RE | T OR OIL DEP | NO. 6 CHEDULE (P | Ye: | No D |
| GENI ORD NEAT | ERAL ERAL DER & TNESS ECT. UIP. | GOOD DEFEC SAFET EXCES | NO. 2 NO | Yes [|]] | ······································ | COMB COMB CEILIN DESCR | BUSTIBLE BUSTIBLE INGS, BE | LE WASTE RE LE DUST, LIN EAMS OR MAC REAS NEEDIN | T OR OIL DEP CHINES NG ATTENTIO | NO. 6 CHEDULE (P POSITS ON INCLUDIN | Ye Ye IG YAR | No No No No No No No No |
| GENIORD NEAT | ERALDER & TNESS ECT. UIP. AM, UIDS | GOOD DEFEC SAFET EXCES | NO. 2 NO | Yes |)) | No [] | COMB COMB CEILIN DESCR | . 4 EMARKS BUSTIBL BUSTIBL INGS, BE | LE WASTE RE LE DUST, LIN EAMS OR MAC REAS NEEDIN | T OR OIL DEP CHINES NG ATTENTIO | NO. 6 CHEDULE (P POSITS ON IN INCLUDIN | Ye Ye IG YAR | No No No No No No No No |
| GENION NEAT LIQUE SMOORE REGISTRO | ERAL ERAL DER & TNESS ECT. UIP. AM, UIDS | GOOD DEFEC SAFET EXCES AREA | CTS NOTED TY CANS USED SSIVE IN MFG | Yes C Yes C Yes C Yes C | DNS NOT | No | COMB COMB CEILIN DESCR | . 4 EMARKS BUSTIBL BUSTIBL INGS, BE RIBE AF | LE WASTE RE LE DUST, LIN' EAMS OR MAC REAS NEEDIN DBSTRUCTED | T OR OIL DEP CHINES NG ATTENTIO | NO. 6 CHEDULE (P POSITS ON INCLUDIN | Ye Ye IG YAR | No No No No No No No No |
| GENING ORD NEAT LIQUES SMOOTH FLAT LIQUES SMOOTH FL | ERAL DER & TNESS ECT. UIP. AM, UIDS | GOOD DEFECTOR SAFET | CTS NOTED TY CANS USED SSIVE IN MFG S TIONS WHERE V | Yes C Yes C Yes C Yes C | DNS NOT | No | COMBICEILIN DESCRI | . 4 EMARKS BUSTIBL BUSTIBL NGS, BE RIBE AF | LE WASTE RE LE DUST, LIN EAMS OR MAI REAS NEEDIN DBSTRUCTED ON | T OR OIL DEP CHINES NG ATTENTIO | NO. 6 CHEDULE (P POSITS ON INCLUDIN | Ye. Ye. NG YAR No 🗆 | No No No No No No No No |
| GENIORATE ELE | ERAL SE ERAL DER & TNESS ECT. UIP. AM, UIDS IKING BULA- DNS | GOOD DEFECT SAFET EXCES AREA LOCA PERMI | NO. 2 RANTS DRAINED Yes NOTED TY CANS USED SSIVE IN MFG S TIONS WHERE V ITS ISSUED FOR | Yes C Yes C Yes C Yes C Yes C VIOLATIO | DNS NOTE | No | COMB COMB CEILIN DESCR DRAIN VENT | . 4 BUSTIBL BUSTIBL BUSTIBL NGS, BE RIBE AF NAGE OF | LE WASTE RE LE DUST, LIN EAMS OR MAC REAS NEEDIN DBSTRUCTED ON CAUTIONS TA | T OR OIL DEP CHINES NG ATTENTIO | NO. 6 CHEDULE (POSITS ON INCLUDIN | Yeng Yar | No [] No [] No [] No [] No [] |
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| HYDE HOS HOS NEAT ELE EON NEAT FLA LIQUE SMOI REGISTION OF STOP OF STO | ERAL DER & TOUR SELDING | DEFECTOR SAFETE EXCES AREAS LOCATED COND | CTS NOTED TY CANS USED SSIVE IN MFG STIONS WHERE V ARRANGED DUATE SPACE BE | Yes C Yes C Yes C Yes C Yes C Yes C Yes C Yes C | ONS NOTI | No No No No No No No No | COMBICEILIN DESCRITE AISLE | EMARKS BUSTIBL BUSTIBL BUSTIBL NGS, BE RIBE AF NAGE OF FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (| LE WASTE RE LE DUST, LIN EAMS OR MAC REAS NEEDIN DBSTRUCTED ON CAUTIONS TA AR AMPS, HEATE | T OR OIL DEP CHINES NG ATTENTIO | Yes T | Yend YAR | No No No No No No No No |
| HYDE HOS HOS NEAT ELE END FLA LIQUE SMOOTH FLA LIQUE STORE AT WALLS IN KIEF TIME | ERAL DER & TOUR SELDING | DEFECTOR AREA LOCA PERMIT WELL ADEQ COND | NO. 2 RANTS DRAINED Yes | Yes C Yes C Yes C Yes C Yes C Yes C Yes C Yes C | ONS NOTI | No No No No No No No No | COMBICEILIN DESCRITE AISLE | EMARKS BUSTIBL BUSTIBL BUSTIBL NGS, BE RIBE AF NAGE OF FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (FANS (| LE WASTE RE LE DUST, LIN EAMS OR MAC REAS NEEDIN DBSTRUCTED ON CAUTIONS TA AR AMPS, HEATE | T OR OIL DEP CHINES NG ATTENTIO | Yes T | Yend YAR | No No No No No No No No |



United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake, OH 44095 • (216) 946-6100 • FAX (216) 951-3536

July 18, 1991

Harry Courtright
Division of Solid and Hazardous Waste Management
Ohio EPA
Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087-1969

RE: United Musical Instruments U.S.A., Inc.

Lake County OHD 004 153 854

Grant Commitment Inspection

Dear Mr. Courtright:

Enclosed you will find a copy of the violations and the response thereof to the above stated inspection conducted by Karen Nesbit on June 7, 1991. The inspection was one of total travesty. The violations found were trivial and non-circumstantial. Secondly, when conducting the inspection, unprofessional and defensive reasons were stated for citing of violations. Let me point out some examples in order of violations:

- 1) Violation #2: "facility has failed to keep the drums in the plating area closed as required..." The one (1) drum (emphasize one (1) drum, not drums) in the plating room, had a funnel in the opening. The plater walked away from the drum to check out a tank. When bringing this to Ms. Nesbit's attention, she stated, that the plater walked away, the barrel is technically open due to the open funnel, this is a violation.
- 2) Violation #3: "facility has failed to have the time of the inspection on their weekly container inspection log as required..." As stated by Ms. Nesbit, this is a violation. If all the vital information is present on the log form, and the inspection is done each week as required, should this be a violation. A trivial point at best.
- 3) Violation #4: "facility does not have immediate access to a communication device on the drum accumulation areas as required..." There has been a phone in this location since the construction of the area in 1989. Past inspectors have found the site of the communication device to be adequate. When asked where the device should be located, Ms. Nesbit replied in a flippant manner, "I'll let you know if it is not located properly." We are still confused on the proper location per regulations.
- 4) Violation #5: "facility has failed to document that all spill control and decontamination equipment, fire and communication equipment is tested on a weekly basis as required..." Ms. Nesbit was shown the form used which is required by the Company's liability insurance Company. She replied: "no time of the inspection is specified." Again, a minor point. The inspection is done weekly by two supervisors.

5) Violation #6: "facility has failed to maintain copies of all land disposal restriction notifications for a period of (5) five years as required..." As stated by Ms. Nesbit, the "fax" was received from Envirite while she was looking through the manifest. Technically, the form was not attached, but it was present. Also, for Ms. Nesbit to state in the violation that the facility failed to maintain copies of notifications for a period five years is untrue and misleading.

As you can see, the only violation of any substance, is violation #1: "facility has failed to have the appropriate DOT placards to offer the intitial transporter as required..."

Other examples of unprofessionalism, or possibly examples of lack in technical knowledge were witnessed not only by myself, but our P.E. and consultant. For instance, when walking up to the waste water treatment system, Ms. Nesbit asked where the pretreatment system was located. We pointed out that she is standing in front of it. She replied: "I have been doing this for six months and have never seen one like this". In this same location, she also asked to see the filter press. She was standing over it. The consultant who assisted in the design of the pretreatment system, at this point, took the liberty of explaining to Ms. Nesbit how the system and filter press operated.

UMI will not tolerate this type of action in the future by inspectors. Inspections should be made of substance. They should guide the Company to ensure a safer and more efficient workplace. Reasons of violations should not be subject to an unskilled, untrained inspector's interpretations of the regulations. UMI has cooperated with both the Ohio and Federal EPA throughout its history. The Company has spent hundreds of thousands of dollars at the Eastlake facility to keep in compliance.

Therefore, UMI is requesting that violations 2, 3, 4, 5 and 6 be removed from record. UMI, in turn, has enclosed the attached documentations as stated, and, despite future nitpicking by inspectors by the State EPA, the Company will continue to ensure a safe environment for all employees and the community in which located.

Again, thank you for your re-consideration regarding the above allegations as stated, and look forward to receiving your response.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Haynes
Corporate Director of Human Resources

JJH/dml

cc: Laurie Stevenson, DSHWM, CO Kim Ogle, Region V, USEPA Matt Knecht, HzW Craig Juday, CT Consultants Edward Chesko, UMI-Eastlake Rocco Giglio, UMI-Vice Chairman State of Ohio Environmental Protection Agency

June 25, 1991

RECEIVED

Northeast District Office

E. Aurora Roadnsburg, Ohio 44087-1969 (216) 963-1200 (216) 425-9171 FAX (216) 487-0769

George V. Voinovich Governor

OFFICE OF RCRA

U.S. EPA, REGION V

RE:

UNITED MUSICAL INSTRUMENTS
LAKE COUNTY

OHD 004 153 854

GRANT COMMITMENT INSPECTION

Jack Haynes United Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Haynes:

On June 7, 1991 Nancy Zikmanis and I representing the Ohio EPA conducted a hazardous waste compliance inspection at your facility. We were accompanied by Kim Ogle of the U.S. EPA. You, Dave Jackson and Ed Chesko represented the facility during the inspection. UMI also had their consultants, Matt Knecht of HzW and Craig Juday of C.T. Consultants present.

The following violations were noted during the inspection:

1. The facility has failed to have the appropriate DOT placards to offer the initial transporter as required by OAC 3745-52-33.

Please document compliance by submitting documentation that these have been procured.

 The facility has failed to keep the drums in the plating area closed as required by OAC 3745-66-73(A).

Please document via photographs that the containers are now closed.

3. The facility has failed to have the time of the inspection on their weekly container inspection log as required by OAC 3745-66-74(B).

Please submit a copy of the revised inspection log.

4. The facility does not have immediate access to a communication device on the drum accumulation area as required by OAC 3745-65-32(B) and OAC 3745-65-34.

The facility agreed during the inspection to install a telephone in the drum accumulation area. Please document that the phone has been installed.

Mr. Jack Haynes June 25, 1991 Page -2-

5. The facility has failed to document that all spill control and decontamination equipment, fire and communication equipment is tested on a weekly basis as required by OAC 3745-65-33(B).

Please submit a copy of the inspection log which must include:

- a) Date and time of test.
- b) Observations made.
- c) Date and nature of any repairs.
- 6. The facility has failed to maintain copies of all land disposal restriction notifications for a period of (5) five years as required by OAC 3745-59-07(A)(6) and 40 CFR 268.7(a)(6).

The facility received a fax from Envirite Corporation of the missing LDR form during the inspection. No further documentation is needed.

Failure to list specific deficiencies in this communication does not relieve your facility from the responsibilities of complying with all applicable regulations.

A post-closure certification inspection was also conducted on June 7, 1991. The information will be forwarded to our Columbus Office and it will be addressed under separate cover.

Please submit the requested documentation by July 31, 1991. I have enclosed my checksheets for your use. Should you have any questions or problems, please feel free to contact me at (216) 425-9171.

Sincerely, Karen Thenhit

Karen L. Nesbit

Environmental Scientist

Division of Solid and Hazardous Waste

Management

KLN/fn

cc: Harry Courtright, DSHWM, NEDO
Laurie Stevenson, DSHWM, CO
Kim Ogle, Region V, USEPA

DUNS: 14-422-2973

DATE PRINTED

UNITED MUSICAL INSTRUMENTS

JUN 12 1991

T', INC

EASTLAKE MFG FACILITY

EMPLOYS

RATING

BRANCH

220

SIC NO.

33999 CURTIS BLVD

39 31

MFG

EASTLAKE

WILLOUGHBY OH 44095

TEL: 216 946-6100

BRANCH MANAGER: MR EDWARD CHESKO

| DIANCII II | ANAGER. MR EDI | WARD CHESKO | | | | |
|----------------------|----------------------------------|------------------------------|---------------------------|-----------------------|-----------------------------------|--------------------------------|
| PAYMENTS REPORTED | (Amounts may PAYING RECORD | be rounded HIGH CREDIT | to nearest NOW OWES | figure PAST DUE | in prescribed SELLING TERMS | ranges) LAST SALE WITHIN |
| 05/91 | Ppt Ppt | 55000 20000 | 20000 | 500 | | 1 Mo |
| | Ppt | 7500 | 2500 | 0 | 317 | 1 Mo |
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| | Ppt | 1000 | -0- | -0- | N30 N30 | 2-3 Mos |
| | Ppt | 500 | 100 | -0- | N30 N30 | 4-5 Mos |
| | Ppt | 50 | -0- | -0- | изо | 1 Mo 4-5 Mos |
| | Ppt | 50 50 | -0- | -0- | N15 | |
| | Ppt-Slow 30 | 2500 | 250 | 250 | N30 | 6-12 Mos |
| | Ppt-Slow 30 | 500 500 | 250 250 | -0- | NOO | 1 Mo 1 Mo |
| | (011) | 750 | 750 | 750 | N30 | I MO |
| | (012) | 250 | -0- | -0- | 1130 | 6-12 Mos |
| 04/91 | Ppt | 1000 | -0- | -0- | | 6-12 Mos |
| , | Ppt | 750 | 250 | -0- | И30 | 1 Mo |
| | Ppt | 750 | 50 | -0- | N30 | 1 Mo |
| | Ppt | 500 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 100 | -0- | -0- | | 1 Mo |
| | Ppt | 50 | -0- | -0- | | 4-5 Mos |
| | Ppt-Slow 30 | 100000 | 7500 | -0- | N30 | 1 Mo |
| | Ppt-Slow 30 | 7500 | 50 | -0- | | 1 Mo |
| | Ppt-Slow 30 | 1000 | -0- | -0- | | 6-12 Mos |
| | Ppt-Slow 30 | 500 | 50 | -0- | | 1 Mo |
| | Slow 10 | 500 | 500 | -0- | 1/2 10 N30 | 1 Mo |
| 03/91 | Disc | 50 | -0- | -0- | 1 10 Prox | 6-12 Mos |
| | Ppt | | | | N30 | 6-12 Mos |
| | Ppt | 7500 | 7500 | 2500 | | 1 Mo |
| | Ppt | 500 | 500 | -0- | 1 10 N30 | 1 Mo |
| | Ppt-Slow 30 | 1000 | 750 | -0- | | 1 Mo |
| | Ppt-Slow 60 | 2500 | -0- | -0- | | 6-12 Mos |
| | Ppt-Slow 60 | 250 | 50 | 50 | N15 | 2-3 Mos |
| | Slow 30-60 | 250 | -0- | -0- | N30 | 6-12 Mos |
| | (032) | 250 | -0- | -0- | 1 10 N30 | 1 Mo |
| | (033) | 100 | 100 | 100 | N30 | |
| 02/91 | Slow 30 | 750 | 750 | 750 | И30 | |
| 01/91 | Ppt | 500 | | | | 6-12 Mos |
| | | | nn JOM 1 | 7 1991 | | |

| 1 '90 | Ppt-Slow 30 | 500 | -0- | -0- | | 6-12 Mos |
|----------|-------------------|------------|----------|----------|------------------|------------|
| 1-, 90 | Ppt | 1000 | -0- | -0- | N30 | 6-12 Mos |
| | Ppt | 750 | 100 | -0- | | 1 Mo |
| 09/90 | Ppt | 500 | -0- | -0- | | 6-12 Mos |
| 06/90 | Ppt-Slow 30 | 250 | -0- | -0- | | 6-12 Mos |
| BANKING | | | | | | |
| 05/91 | | | | | ccount open over | |
| | | | | | cated at 2520 | |
| | Parkway, Elkhart | | | | | |
| | operates as a man | nufacturer | of brass | and woo | od musical ins | truments. |
| | | | | | | |
| 05/03/90 | | | | ft. in c | one story brick | k concrete |
| | block building in | | | | | • |
| | | | | on MeTT | traveled stre | |
| | 06-12(212 /212) |) ((| 00000 | | 012105 | 102 |

JUN 12 1991

PAGE 002

UNITED MUSICAL INSTRUMENTS

FULL DISPLAY COMPLETE

DUNS: 10-235-4099
TED MUSICAL INSTRUMENTS
ULA, INC
(FOREIGN PARENT IS
MUSKANTOR & CO AB, MOLNDAL,
SWEDEN)
KING-ARMSTRONG
BENGE
C G CONN LTD
OTHER STYLES-SEE OPERATION

DATE PRINTED JUN 12 1991 MFG MUSICAL INSTRUMENTS SIC NO. 39 31 SUMMARY
RATING -
STARTED 1985
PAYMENTS SEE BELOW
SALES \$40,000,000
EMPLOYS 700(125 HERE)
HISTORY INCOMPLETE
FINANCING SECURED

BOX 727
ELKHART IN 46515
1000 INDUSTRIAL PARKWAY
AND BRANCH(ES) OR DIVISION(S)
ELKHART IN 46516

TEL: 219 522-3392

CHIEF EXECUTIVE: ROBERT PALMER, PRES

SPECIAL EVENTS 05/28/91

Effective Oct 1990 Robert Palmer replaced Thomas Burzycki as president of United Musical Instruments USA, Inc. Burzycki is no longer affiliated with the subject corporation.

| PAYMENTS | (Amounts | may | be | rounded | to | nearest | figure | in prescribed | range | :s) | |
|----------|----------|-----|----|---------|----|---------|--------|---------------|------------|---------|----|
| REPORTED | PAYING | | | HIGH | | NOW | PAST | SELLING | I | AST SAI | ΞE |
| | RECORD | | | CREDIT | | OWES | DUE | TERMS | | WITHIN | |
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| | Ppt | | | 2500 | | 500 | -0- | | 1 | . Mo | |
| | Ppt | | | 1000 | | -0- | -0- | N30 | 4 | -5 Mos | |
| | Ppt | | | 500 | | -0- | | | 1 | . Mo | |
| | Ppt | | | 500 | | 100 | -0- | N30 | 1 | . Mo | |
| | Ppt | | | 500 | | 100 | -0- | N30 | 1 | . Mo | |
| | Ppt | | | 100 | | -0- | -0- | N30 | 6 | -12 Mos | 5 |
| | Ppt | | | 100 | | -0- | -0- | N30 | 2 | -3 Mos | |
| | Ppt | | | 50 | | -0- | -0- | N15 | ϵ | -12 Mos | 5 |
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| | Ppt-Slow | 30 | | 2500 | | 250 | 250 | N30 | 1 | Mo | |
| | Ppt-Slow | 30 | | 1000 | | -0- | | | 1 | . Mo | |
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| | Ppt-Slow | | | 500 | | 250 | -0- | | 1 | Mo | |
| | - | | | | | | | | | | |

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|-------|-------------|--------|------|-----|------------|----------|
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| | Slow 60 | 500 | 250 | 250 | | 2-3 Mos |
| | Slow 60 | 50 | 50 | 50 | N30 | 1 Mo |
| 04/91 | Ppt | 5000 | 5000 | -0- | | 1 Mo |
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| | Ppt | 1000 | -0- | -0- | N30 | 6-12 Mos |
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| | Ppt | 250 | 250 | -0- | N15 | 1 Mo |
| | Ppt | 100 | -0- | -0- | | 1 Mo |
| | Ppt | 50 | -0- | -0- | | 4-5 Mos |
| | Ppt-Slow 15 | 7500 | -0- | -0- | N30 | 1 Mo |
| | Ppt-Slow 30 | 100000 | 7500 | -0- | И30 | 1 Mo |
| | Ppt-Slow 30 | 30000 | -0- | -0- | N30 | 4-5 Mos |
| | Ppt-Slow 30 | 7500 | 50 | -0- | | 1 Mo |
| | Ppt-Slow 30 | 1000 | -0- | -0- | | 6-12 Mos |
| | Ppt-Slow 30 | 1000 | 500 | -0- | N7 | 1 Mo |
| | Ppt-Slow 30 | 500 | 250 | -0- | N30 | 1 Mo |
| | Ppt-Slow 30 | 500 | 50 | -0- | | 1 Mo |
| | Slow 10 | 500 | 500 | -0- | 1/2 10 N30 | 1 Mo |
| | Slow 15 | 5000 | 5000 | -0- | N30 | 1 Mo |
| | Slow 30 | 25000 | -0- | -0- | N30 | 4-5 Mos |
| 03/91 | Disc | 50 | -0- | -0- | 1 10 Prox | 6-12 Mos |
| | Ppt | | | | N30 | 6-12 Mos |
| | Ppt | 2500 | 1000 | -0- | N30 | 1 Mo |
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| | Ppt | 1000 | 250 | -0- | | 2-3 Mos |
| | Ppt | 1000 | -0- | -0- | N30 | 2-3 Mos |
| | Ppt | 750 | 50 | -0- | N15 | 1 Mo |
| | Ppt | 500 | 500 | -0- | 1 10 N30 | 1 Mo |
| | Ppt | 100 | 100 | -0- | N15 | 1 Mo |
| | Ppt | 100 | -0- | -0- | N15 | 6-12 Mos |
| | Ppt | 100 | 100 | -0- | 1 10 N30 | 1 Mo |
| | Ppt | 50 | -0- | -0- | N15 | 2-3 Mos |
| | Ppt | 50 | -0- | -0- | | 6-12 Mos |
| | Ppt-Slow 30 | 1000 | 750 | -0- | | 1 Mo |
| | Ppt-Slow 60 | 2500 | -0- | -0- | | 6-12 Mos |
| | Slow 10 | 1000 | 750 | | | 6-12 Mos |
| | Slow 15-30 | 15000 | 5000 | -0- | | 1 Mo |
| | | | | | | |

| | | | | | the second secon | |
|-------|------------|-------|------|------|--|----------|
| | Slow 15-30 | 7500 | 2500 | 1000 | | 1 Mo |
| | Slow 30 | 2500 | -0- | -0- | | 6-12 Mos |
| | Slow 30-60 | 250 | -0- | -0- | N30 | 6-12 Mos |
| 02/91 | Ppt | 50 | -0- | -0- | | 6-12 Mos |
| | Slow 30 | 750 | 750 | 750 | ИЗО | |
| 01/91 | Ppt | 500 | -0- | -0- | | 6-12 Mos |
| | Ppt | 50 | -0- | -0- | И30 | 6-12 Mos |
| 12/90 | Ppt | 750 | | | N30 | |
| 11/90 | Ppt | 250 | -0- | -0- | | 1 Mo |
| 10/90 | Ppt | 1000 | -0- | -0- | ИЗО | 6-12 Mos |
| | Ppt | 750 | 100 | -0- | | 1 Mo |
| | Slow 5 | 20000 | 2500 | -0- | 1/2 10 N30 | |
| 09/90 | Ppt | 500 | -0- | -0- | • | 6-12 Mos |
| | Ppt | 250 | -0- | -0- | | 6-12 Mos |
| | | • | | | | |

- * Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.
- * Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE 05/28/91

On MAY 28 1991 Robert Palmer, president, declined financial information.

A 1991 national business directory estimated the annual sales of United Musical Instruments USA, Inc at \$40 million.

PUBLIC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

* * * UCC FILING(S) * * *

COLLATERAL: Inventory - trademarks, general intangibles including proceeds and

products - Specified Accounts receivable - Equipment - Fixtures

FILING NO: 540688 DATE FILED: 08/05/1988

TYPE: Original FILED WITH: SECRETARY OF STATE

SEC. PARTY: SKANDINAVISKA ENSKILDA BANKEN, UCC DIVISION, AZ

NEW YORK, NY

DEBTOR: UNITED MUSICAL INSTRUMENTS USA, INC

COLLATERAL: Specified Equipment and proceeds

FILING NO: 1343086 TYPE: Original DATE FILED: 02/25/1987

FILED WITH: SECRETARY OF

SEC. PARTY: DOUGHERTY DAWKINS LEASE GROUP, STATE/UCC DIVISION,

IN

MINNEAPOLIS, MN

A JIGNEE: ARMED FORCES INS EXCHANGE, FT

LEAVERWORTH, KS

TOR:

UNITED MUSICAL INSTRUMENTS USA INC

The public record items reported above under "PUBLIC FILINGS" and "UCC FILINGS" may have been paid, terminated, vacated or released prior to the date this report was printed.

BANKING 05/91

Account(s) averages medium 6 figures. Account open over 5 years. Non borrowing account.

Account(s) averages low 4 figures. Account open over 10 years.

HISTORY 05/28/91

ROBERT PALMER, PRES BERNARD MUSKANTOR, CHB+ ROCCO GIGLIO, V CHB+ ROLLIE BUNN, V PRES-MKT

JOHN MORGAN, V PRES-SALES
DIRECTOR(S): The officers identified by (+)

BUSINESS TYPE: Corporation - DATE INCORPORATED: 07/19/1983
Profit STATE OF INCORP: Indiana

Business started 1983 by Daniel J Henkin. Present control succeeded Oct 1 1985. 100% of capital stock is owned by Muskantor &

PALMER born 1951. Graduated from Western Michigan University in 1974 with a BBA Degree. 1974-1986 employed by Coopers & Lybrand CPA, South Bend, IN. 1986-1990 employed by United Musical Instruments USA, Inc, Elkhart, IN as controller. Became president Oct 1990.

MUSKANTOR. Prior to 1985 was active with Skane Gripen A B, Malmo, Sweden. 1985-present active with the parent company.

GIGLIO born 1937 married. 1958-73 with C G Conn, Elkhart, IN. 1973-77 successfully owned a Burger Dairy in Elkhart, IN. 1977-present and continues with W T Armstrong Co Inc, Elkhart, IN serving as vice president since 1982. 1985-present with subject. Became vice chairman in 1990.

BUNN. Graduated from Northern State College in 1960 with a BS Degree. 1963-1969 employed by Taylor Music Inc, Aberdeen, SC as salesman and service manager. 1970-1974 employed by Selmer Company, Elkhart, IN as instrument production manager. 1974-1976 employed by Norlin Co, Lincolnwood, IL as customer service manager. 1976-1985 employed by Selmer Company, Elkhart, IN as sales manager. Active here since 1985. Became vice president of marketing in 1991.

MORGAN. Graduated from East Central Oklahoma University in 1960 with a BA Degree. 1960-1972 employed by the State of Oklahoma, Ada, OK as educator-band director. 1972-1980 employed by C G Conn Ltd, Oakbrook, IL as district manager. 1980-1986 employed by Selmer Company, Elkhart, IN as district manager. Active here since 1986. Became vice president of sales in 1991.

C _RATION 05/28/91

Foreign parent is Muskantor & Co AB, Molndal, Sweden, DUNS number is 35-003-5309, started in 1953, which operates as an importer of musical instruments. Reference is made to that report for background information on the parent and its management. The parent company owns 100% of capital stock of the business. The parent company has submitted the following consolidated figures dated December 31, 1989: Total Equity \$291,577,000 (amount shown in Kronor) and a good financial condition.

This subsidiary operates as a manufacturer of musical instruments including woodwinds, brass and stringed musical instruments (100%). Additional trade styles utilized by the corporation includes Artley, also W T Armstrong functions as the distribution operations for the business.

Sells for cash 30% balance on 2% 10 net 30 and dating in United States, exports on letters of credit and time drafts. Has 3,000 accounts. Sells to musical dealers. Territory: International, about 85% represents domestic sales. Nonseasonal.

EMPLOYEES: 700 including officers. 125 employed here.

FACILITIES: Owns 60,000 sq. ft. in one story brick building in good condition. Premises neat.

LOCATION: Industrial section on well traveled street.

BRANCHES: The subject maintains additional manufacturing

facilities at Willoughby (Eastlake), OH and Nogales, AZ.

ANALYST: LKW

Ameritrust National Bank, 301 S Main, Elkhart, IN

06-12(390 /390) 00000 350035309 062 062 H

FULL DISPLAY COMPLETE

RCRA HAZARDOUS WASTE GENERATOR COMPLIANCE EVALUATION INSPECTION CHECKLIST

| Facility: | United Musical Instruments |
|--|--|
| USEPA I.D.: | 0HO CO 4 153 854 BWFB No.: |
| Street: | 33999 Curtis Blud. |
| City: | Eastlake State: 0H zip: 44094 |
| County: | Forgettinga LAKE Telphone: (216) 946-6100 Rober |
| Owner/Operator: | Bond Skone Gupenes C/O UMI Corp - Palme Pres. |
| Street: | 1000 Industrial & Pkwy. |
| City: | Elkhart State: In zip: 46515 |
| Telephone: | (219)295-0079 |
| Advance notice of | of inspection given? (yes) (no) |
| If so, how far i | in advance? Kim Ogle called |
| | |
| | Name Agency/Title Phone |
| Inspectors: | KAREN NESBIT DEPA (216) 485-9171 NANCY ZIKMANIS DEPA KIM OBLE USEPA (312) 886-1478 |
| Facility | KAREN NESBIT DEPA (216) 485-9171 NANCY ZIKMANIS DEPA KIM OGLE USEPA (317) 886-1478 JOHN J. HAYNES UMI/HUMAN RES. (216) 946-6100 |
| | KAREN NESBIT DEPA (216) 485-9171 NANCY ZIKMANIS DEPA KIM OGLE USEPA (317) 886-1478 |
| Facility | KAREN NESBIT DEPA (216) 485-9171 NANCY ZIKMANIS DEPA KIM DELE USEPA (317) 886-1478 JOHN J. HAYNES UMI/HUMAN RES. (216) 946-6100 DAVE JACKSON "PURCHASING AGENT" |
| Facility | KAREN NESBIT DEPA (216) 485-9171 NANCY ZIKMANIS DEPA KIM DELE USEPA (317) 886-1478 JOHN J. HAYNES UMI/HUMAN RES. (216) 946-6100 DAVE JACKSON UMT PURCHASING AGENT STATUS G SQG Large Quantity Generator ~ |
| Facility Representative: Cond. Exempt SQ | KAREN NESBIT DEPA (216) 485-9171 NANCY ZIKMANIS DEPA KIM DELE USEPA (317) 886-1478 JOHN J. HAYNES UMI/HUMAN RES. (216) 946-6100 DAVE JACKSON UMT PURCHASING AGENT STATUS G SQG Large Quantity Generator ~ |
| Facility Representative: Cond. Exempt SQ | Name KAREN NESBIT OFPA (216) 485-9171 NANCH ZIKMANIS OFPA KIM OGLE USEPA JOHN J. HAYNES UMI HOWAN RES. (216) 946-6100 DAVE JACKSON STATUS STATUS G ACTIVITIES Used oil burner Hazardous waste fuel burner/blender Incineration/Thermal treatment Land treatment Converted to a registering |

Include list of wastes being generated/managed at the site and a brief description of site activity and waste handing procedures:

The facility produces brass wind instruments.

Degreaser FOOI, DO40 is sent to Chem Waste Mgmt

Desodering Dooz is sent to Envirite

Studge from water treatment system FOCG is Sent to Envirite (this used to enter the now closed filter beds.)
(Door, Door)
and the caustic bath, is emptied a every 2 years

and is sent to Laidlaw in Greenbriar, Tr.

During this inspection, we conducted a past-closure mspection of the filter beds. A memo certifying clean closure will be sent to central Office of CEPA.

Due to pending clean dosure, the inspection was conducted as a Large Quantity Generator inspection only.

U.S. EPA will be continuing with corrective actions with the G.W. problem still present at the Site. The contamination is suspected to be from a TCE product Spill, not from the -2-closed filter beds

GENERATOR CLASSIFICATION (OAC 3745-52-34)

| | Does | the facility: |
|----|------|--|
| L. | | Generate < 100 Kg (25-30 gallons) of hazardous waste in a calendar month? |
| | | (yes) (no) |
| | | If so, the facility is classified as a Conditionally Exempt Small Quantity Generator, unless 3.b. applies. Please complete the Conditionally Exempt Small Quantity Generator Requirements checklist. |
| 2. | | Generate between 100 and 1000 Kg of hazardous waste in a calendar month? (about 25 to under 300 gallons) |
| | | (yes) (no) |
| | | If so, the facility is classified as a Small Quantity Generator, unless 3.b. applies. Please stop here and complete the Small Quantity Generator Requirements checklist. |
| 3. | a. | Generate > 1000 Kg (~ 300 gallons) of hazardous waste in a calendar month? |
| | | OR; |
| | b. | Generate > 1 Kg of acutely hazardous waste in a calendar month? |
| | | (yes) |
| | | If so, the facility is classified as a Large Quantity Generator. Please complete the Large Quantity Generator Requirements checklist. |

REMARKS - GENERATOR CLASSIFICATION

FACILITY INSPECTION WASTE MANAGEMENT ACTIVITIES SUMMARY

ESCRIPTION OF WASTE

ON SITE MANAGEMENT

OFF SITE
MANAGEMENT

| EPA MASTE | PEN ORIV | PHOCESS/ACTIVITY GENERATING WASTE | QENERATOR | E H ATOR | D 00 | | TYPE OF ON-SITE TREATMENT | 9m20<0m2 | 382->-EG0 | EMEDICOTE - | *** | .e~= s-e>€ | |
|--------------|-------------|-----------------------------------|-----------|----------|--------------------|----------|---------------------------|----------|-----------|-------------|----------|---------------------------------------|------|
| 900 | 006 loge 3 | Wastiwater treatment | <u> </u> | | | - | | | | | | | |
| 1001 | 1007 JA75 P | | (| | | | | | | ζ | <u> </u> | \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ | |
| 100 | | digeaser | | 1 | | 1 | | | | (| | | |
| 002 | 9200 | 2002 600g Alkaline - desodering | | : | <u> </u> | <u> </u> | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | · - : · | | | | | | | | |
| | | | | <u> </u> | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | - | | | | | | | | |

GENERATOR ACCUMULATION IN CONTAINERS AND TANKS (OAC 3745-52-34)

| 1. | If the generator elects to accumulate hazardous waste on-site in containers or tanks for 90 days or less without a permit as provided under 3745-52-34, are the following requirements met: |
|----------------------|---|
| ÷ | a. The containers or tanks are clearly marked with the words "Hazardous Waste"? [OAC 3745-52-34(A)(3)] b. The date that accumulation began is clearly marked on each container? [OAC 3745-52-34(A)(2)] |
| wast of C wast | addition, OAC 3745-52-34(A)(1) also requires generators accumulating hazardous e(s) in containers < 90 days to comply with the "Container Management" Rules OAC 3745-66-70 to 3745-66-77. If the generator is accumulating hazardous e(s) in containers, please complete Management of Containers checklist to ment compliance with these requirements. |
| 2. | Is the generator accumulating hazardous waste(s) in tanks? |
| | If so, OAC 3745-52-34(A)(1) requires generators to comply with Rules 3745-66-90 to 3745-66-992 except Paragraph (c) of rule 3745-66-97 and rule 3745-66-991. |
| | If the generator is accumulating hazardous waste(s) in tanks, complete the Storage and Treatment in Tanks checklist to document compliance with these requirements. |
| 3. | Has the generator accumulated hazardous wastes in excess |

REMARKS - GENERATOR ACCUMULATION REQUIREMENTS

a. If so, has the generator been granted an extension by the Director for accumulation in excess of (90) days?

of ninety (90) days?

| 1. | or near a point of generation which is under the control of | |
|----|---|-------------|
| | the operator of the process generating the waste? (defined as satellite accumulation) | . 4 |
| | | |
| | If so, are the following requirements of OAC 3745-52-34(C) | |
| | being met: | |
| | a. Quantities of waste accumulated do not exceed 55 gallons at any time? | <u> </u> |
| | b. Quantities of acutely hazardous waste accumulated do not exceed 1 quart at any one time? | NA |
| | c. The generator has marked the containers with words | |
| | "Hazardous Waste" or with other words identifying | 4 |
| | the contents of the container? | |
| | he facility is maintaining satellite accumulation areas as | |
| | 1.b. above, OAC 3745-52-34(C) also requires that the contains the contains Management " | |
| | s be managed in compliance with the "Container Management" -66-71, 3745-66-72, 3745-66-73(A), 3745-66-76 and 3745-66-7 | |
| | Use and Management of Containers checklist to document comp | |
| - | irements. | |
| • | | |
| 2. | Is the facility accumulating hazardous waste(s) in excess | X |
| | of the amounts listed in either 1.a or 1.b? | |
| | a. If so, did the generator comply with 3745-52-34(A) | , A |

REMARKS - SATELLITE ACCUMULATION REQUIREMENTS

accumulating?

within three (3) days? and;

b. Upon accumulating > 55-gallons of waste, did the generator mark the container holding the excess hazardous waste with the date the excess began

| ONNEL TRAINING (OAC 3745-65-16) | Y/N/NA | RMK # |
|---|--------|-------|
| Does the generator provide a Personnel Training Program in compliance with 3745-65-16(A)(B)(C) including instruction in safe equipment operation and emergency procedures, and implementation of the contingency plan? [3745-52-34(A)(4)] | 4 | |
| Does the generator provide Personnel Training to new employees within 6 months after the date of employment as required by 3745-65-16(B)? [3745-52-34(A)(4)] | 4 | |
| Does the generator provide an annual refresher training | 7 | |

3. Does the generator provide an annual refresher training course as required by 3745-65-16(B)? [3745-52-34(A)(4)]

2. Does the generator provide Personnel Training to new

(OAC 3745-65-16)

PERSONNEL TRAINING

4. Does the generator keep all the records required by 3745-65-16(D)(E) including; written job titles, job descriptions and documented employee training records? [3745-52-34(A)(4)]

REMARKS - PERSONNEL TRAINING REQUIREMENTS

OAC 3745-52 - LARGE QUANTITY GENERATOR REQUIREMENTS

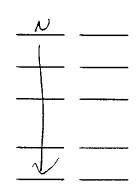
| WAST | E EVALUATION (OAC 3745-52-11) | Y/N/NA | RMK # |
|------|--|------------|-------------|
| 1. | Have wastes generated at the facility been evaluated in compliance with the waste evaluation requirements of OAC rule 3745-52-11(A)(B) and (C)? | <u> </u> | |
| | If not, specify those waste streams which the generator has failed to adequately evaluate: Knowledge of Waste, Disposal facilities that all wand sent back copies of fingerprint analysis to Unit | est street | rms icel |
| 2. | Are any wastes generated at the facility identified by the generator as being excluded from regulation under Rule 3745-51-04? | γ | |
| | If so, specify those waste streams identified by the generated as being excluded under 3745-51-04: Walte Water Treatment System - plating Waste | or | |
| | | | |
| | Is the facility generating any wastes which are identified as recyclable materials as defined in OAC 3745-51-06? | N_ | |
| | If so, please identify these waste streams below: TCE sent for recycling, but facility doesn't use no Brass sold to metal recycle. | yslid f | iorluT. |

| Y/N/NA RMK : | |
|--------------|--|
| | |

| 4 | | e generator | 1 | ~~~ | mata=i=la | | D |
|----|---------|-------------|-----------|-----|-----------|---------|-----|
| 4. | T3 C11 | e generator | recycrama | any | Marchials | Ourstre | Dy. |

- a. Using or reusing the material as an ingredient in an industrial process to make a product?
 - i. If so, is the material being reclaimed before it is used or reused?
- b. Using the material as a substitute for commercial products?
- c. Returning the material to the original process from which it was generated as a substitute for a raw material feedstock?
 - i. If so, is the material reclaimed before returning to the original process?

Please identify those materials that the generator is recycling as described in 4.a., 4.b. and/or 4.c. below:



5. Has the generator identified any waste treatment activity as being excluded from regulation because of totally enclosed treatment or via operation of an elementary neutralization unit and/or wastewater treatment unit as described in Rule 3745-65-01?



If so, specify those waste treatment activities which the generator has identified as being excluded from regulation:

Wastewater treatment unit in plating area.

6. Are Land Disposal Restricted (LDR) wastes being generated? If so, complete the <u>Land Disposal Restriction Checklist</u>.



GENERATOR IDENTIFICATION NUMBER (OAC 3745-52-12)

7. Prior to treating, storing, disposing, transporting or offering to transport hazardous waste, has the generator obtained a generator identification number from USEPA as required by 3745-52-12?



GENERATOR ANNUAL REPORT (OAC 3745-52-41)

8. Has the generator filed annual reports to the Director on or before March 1st of each calendar year as required by 3745-52-41?

| . 1 | |
|----------|--|
| <u> </u> | |
| | |

| HAZARDOUS WASTE IMPORT/EX | RPORT (OAC 3745-52-50 TO 3745-52-57 AND OAC 3745-52-60) | Y/n/na | RMK ‡ |
|---------------------------|--|--------------|---------------|
| 9. Does the generator i | import or export hazardous waste? | _ <i>N</i> _ | |
| · · | wastes handled in accordance with the 3745-52-50 through 3745-52-57 and | NIA | |
| REMARKS - HAZARDOUS WASTE | IMPORT/EXPORT | | |
| | | | |
| | | | |
| | | | |
| PRE-TRANSPORT REQUIREMENT | rs (OAC 3745-52-30 TO 3745-52-33) | Y/N/NA | RMK # |
| | neet the following pre-transport to offering hazardous wastes for | | *** *** *** * |
| in accordance wi | ial is packaged, labeled, and marked ith the applicable DOT regulations 45-52-31, and 3745-52-32]? | | |
| | with a capacity of 110 gallons or less a completed hazardous waste label as 5-52-32? | <u> </u> | |
| placarding or of | eets the requirements for proper DOT feets the appropriate DOT placards to apporter in compliance with 3745-52-33? | N_ | |

REMARKS - PRETRANSPORT REQUIREMENTS

| Y/N | /N/A | RMK | 4 |
|-----|------|-----|---|
| 1/7 | / ДД | nm. | • |

GENERATOR CLOSURE REQUIREMENTS (3745-52-34)

| 1. | Has the | generator | closed | any < | 90-day | accumulation | unit(s) |
|----|----------|-------------|--------|--------|--------|--------------|---------|
| | since da | ate of last | inspec | ction? | | - | |

N

If so, describe the unit(s) which the generator has closed:

2. If the generator has closed any < 90-day accumulation unit(s) as described in Question #1, was closure completed to meet the closure performance standard of 3745-66-11?
[3745-52-34(A)(1)]

NA

Please provide a description of the type of documentation provided by the generator to confirm that closure was completed in accordance with the closure performance standard:

REMARKS - GENERATOR CLOSURE REQUIREMENTS

OAC 3745-66 CLOSURE AND POST CLOSURE

| | | Y/H/HA | RMK # |
|----|--|------------|-------|
| 1. | Is a written closure plan on file at the facility which contains the following elements: [3745-66-12]? | | |
| | a. A description of how each hazardous waste management unit will be closed in accordance with 3745-66-11? b. A description of how final closure will meet the requirements of 3745-66-11? | <u> </u> | |
| | ever in inventory? | <u> </u> | |
| | facility equipment containment systems, structures, soils, and all hazardous waste residues? e. The year closure is expected to begin and a schedule for the various phases of closure? f. A description of other activities necessary to ensure | | |
| | closure with the performance standards including ground water monitoring, leachate collection, and run-off control? | | |
| 2. | Has the closure plan (and post-closure plan, if applicable) been amended 60 days prior to any changes in facility design, processes, or closure dates or 60 days after an unexpected event occurs which affects the closure plan? [3745-66-12(C)] | | |
| 3. | Has the closure plan (and post-closure plan, if applicable) for surface impoundment, waste pile, land treatment or landfunits been submitted to the Director 180 days prior to beginning the closure process? [3745-66-12(D)] | <u>- 1</u> | |
| 4. | Has the closure plan (and post-closure plan, if applicable) for tank, container storage or incinerator units been submitted to the Director 45 days prior to beginning the closure process? [3745-66-12(D)] | _NA | |
| 5. | Director's plan approval, if that is later, was all hazardous waste treated, removed, or disposed in accordance with the approved plan? [3745-66-13(A)] | 7 | |
| 6. | Was closure completed in accordance with the approved plan within 180 days after receipt of final volume of waste or approval of the plan, if that is later? [3745-66-13(B)] | 7 | |
| 7. | Did the owner/operator submit to the Director, within sixty (60) days after completion of closure, certification by both the owner/operator and an independent registered professional engineer that the facility has been closed in accordance with the approved closure plan? [3745-66-15] | 1 | |

| T/N/NA NON 1 | · 🕶 / 1 | N/NA | F | MK | 4 |
|--------------|---------|------|---|-----------|---|
|--------------|---------|------|---|-----------|---|

| | · | | |
|-----|--|------------|---------|
| 8. | Did the owner/operator submit to the local zoning authority and the Director a survey plat in accordance with OAC 3745-66-16? | NA | |
| 9. | What permitted units at the facility have been closed in accordance with an approved Closure Plan? | | |
| | NA | | |
| | | | |
| 10. | If closure was partial, list the regulated units which remains use at the facility: | n | |
| | | | |
| 11. | If required, has the facility prepared a written post- closure plan? [3745-66-18] | 7 | |
| | If so, does the post-closure plan include: | ~ 1 | |
| | a. A description of proposed ground water monitoring? | | <u></u> |
| | b. A description of planned maintenance activities? | <u> </u> | |
| | c. The name, address and phone number of person/office to contact during the post-closure period? | <u> </u> | |
| 12. | For disposal facilities; has the owner/operator submitted to local land authorities and the Director a survey plat within 60 days after certification of closure? [3745-66-19] | NA | |
| 13. | Has the owner of the property on which a disposal unit is located recorded on the deed that: | | |
| | a. The land has been used to manage hazardous waste and the type, quantity and location of waste? | | |
| | b. Land use is restricted under closure and post-closure rules? [3745-66-19] | | |

REMARKS - CLOSURE/POST CLOSURE REQUIREMENTS

| 1. | Does the o/o have a written Contingency Plan which contains the following? [3745-65-52(A)(B)(C)(D)(E)]: | · | |
|----|---|-------------|---------|
| | a. Actions to be taken by personnel in the event of an emergency incident? | 7 | |
| | b. Arrangements or agreements with local or state emergency authorities? | 4 | |
| | c. Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator? | <u> </u> | <u></u> |
| | d. A list of all emergency equipment including location, physical description and outline of capabilities? | 7 | |
| | e. If required due to the actual hazards associated with the waste handled, an evacuation plan for facility personnel? [3745-65-52(F)]? | | , |
| 2. | Is the Contingency Plan designed to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste or hazardous waste constituents to air, soil or surface water? [3745-65-51(A)] | <u> </u> | |
| 3. | Is a copy of the Contingency Plan and any plan revisions maintained on-site and has it been submitted to all local and state emergency service authorities that might be required to participate in execution of the plan? [3745-65-53(A)(B)] | <u> </u> | |
| 4. | Is the plan revised in response to rule changes, facility, equipment and personnel changes or failure of the plan? [3745-65-54] | 7 | |
| 5. | Is an emergency coordinator who is familiar with all aspects of site operation and emergency procedures who has the authority to implement all aspects of the Contingency Plan designated at all times (on-site or on-call)? [3745-65-55] | <u> </u> | |
| | | | |

6. If an emergency situation has occurred, has the emergency coordinator implemented all or part of the Contingency Plan and taken all of the actions and made all of the notifications necessary under 3745-65-56(A-J)?

<u>NA ___</u>

REMARKS - CONTINGENCY PLAN REQUIREMENTS

| USE | AND MANAGEMENT OF CONTAINERS (OAC 3745-66-70 TO 3745-66-77) | Y/H/HA | RMX # |
|-------------|--|---------------|---------|
| 1. | Are hazardous wastes stored in containers which are: a) Closed? [3745-66-73(A)] b. In good condition? [3745-66-71] c. Compatible with wastes stored in them? [3745-66-72] | 2 + + + | |
| 2. | Are containers stored closed except when it is necessary to add or remove wastes? [3745-66-73(A)] | N | |
| 3. | Are hazardous waste containers stored, handled and opened in a manner which prevents container rupture or leakage? [3745-66-73(B)] | <u> </u> | |
| 4. | Is the area where containers are stored inspected for evidence of leaks or corrosion at least weekly? [3745-66-74] | 7 | · |
| 5. | Is the facility recording inspections described in Question #4 in an inspection log or inspection summary as required by OAC 3745-66-74(B) which contains the following information: | | |
| | a. Date and time of inspections?b. Name of inspector?c. Notation of observations made during the inspection?d. The date and nature of any repairs or other remedial action? | N -4 -4 | |
| б. | Are ignitable and/or reactive hazardous waste(s) being managed at the facility? If so, | | |
| | a. Are containers helding ignitable or reactive waste located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] | <u> </u> | |
| | b. Are containers holding hazardous wastes stored separately from other materials which may interact with the waste in a hazardous manner? [3745-66-77(C)] | 4 | <u></u> |

REMARKS - CONTAINER MANAGEMENT REQUIREMENTS

| PREE | PAREDNESS AND PREVENTION (OAC 3745-65-30 TO 3745-65-37) | Y/N/NA | KMK. F |
|------|--|----------|--------|
| 1. | Is the facility operated to minimize the possibility of fire, explosion, or non-planned release of hazardous waste? [3745-65-31] | 7 | |
| 2. | Has there been a fire, explosion or non-planned release of waste at the facility since date of last inspection? | <u>N</u> | |
| | a. If yes, was the contingency plan implemented? [3745-65-51(B)] | NE | |
| 3. | If required due to actual hazards associated with the waste, does the facility have the following equipment: [3745-65-32(A)(B)(C)(D)] | | |
| | a. Internal alarm system? PA 545 Tem | <u> </u> | |
| | b. Access to telephone, radio or other device for summoning emergency assistance? needs phone in drum account a real | N | |
| | c. Portable fire control equipment, spill control and decontamination equipment? | 7 | |
| | d. Water of adequate volume and pressure via hoses, sprinkler, foamers or sprayers? | <u> </u> | |
| 4. | Is all required spill control and decontamination equipment, fire and communications equipment tested on a weekly basis and maintained as necessary? [3745-65-33] | N | |
| | a. Does the facility keep an equipment testing log required by 3745-65-33(B), including date and time of test, observations made, and date and nature of any repairs? | 7 | |
| 5. | If required due to the actual hazards associated with the waste, do personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled? [3745-65-34] | N | |
| 6. | If required due to the actual hazards associated with the waste, is adequate aisle space maintained to allow unobstructed movement of emergency or spill control equipment? [3745-65-35] | | |
| 7. | If required due to the actual hazards associated with the waste, has the facility attempted to make appropriate arrangements with local authorities to familiarize them with possible hazards and facility layout? [3745-65-37(A)] | 7 | |

8. Where state and local emergency service authorities have declined to enter into any proposed special arrangements or agreements, has the refusal been documented?

[OAC 3745-65-37(B)]

NA ____

REMARKS - PREPAREDNESS AND PREVENTION REQUIREMENTS

- Does the generator meet the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:
 - a. All hazardous wastes shipped off-site have been accompanied by a completed manifest, USEPA form 8700-22 in compliance with 3745-52-20(A)?

b. The manifest contains all information required by 3745-52-20 and the minimum number of copies required by 3745-52-22?

<u>N_ *</u>

c. The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with 3745-52-20(C)(D)(E)?

d. Prepared manifests have been signed by the generator and initial transporter in compliance with 3745-52-23 (A) (1) (2)?

<u> Y</u> ____

2. Has the generator received a return copy of each completed manifest within thirty-five (35) days of the date the waste was accepted by the initial transporter?

a. If not, has the generator complied with the Manifest Exception reporting requirements in 3745-52-42?

NIA ___

3. Are signed copies of all hazardous waste manifests and any documentation required for Exception Reports retained for at least 3 years as required by 3745-52-40?

REMARKS - MANIFEST REQUIREMENTS

6/4/9/ - No land ban form - The facility has already contacted Envirite to obtain a copy. - Received land ban form (Faxed) while on sets. A copy was provided to inspictor.

(Manifester - David Jackson)

RCRA LAND DISPOSAL RESTRICTIONS INSPECTION

| I. General Information | n | | | * | |
|---------------------------------------|---------------|---------------------|---------------|----------------------|--------------------|
| Facility: | _76 | nited m | usical, | Inc | 2 = 1 |
| U.S. EPA ID No.: | 01 | 4D 004 | 1.53 83 | 4 | 5) 1 |
| Street: | 3.3 | 999 C. | entis Bl | v-0 | |
| City: | _& 0 | estable | Sta | ate: 19h Zi | p: 44094 |
| Telephone: | (| (216) 93 | 16-6100 |) | |
| | | | | | K ± 18 |
| Inspection Date: | 6171 | 7j Time: | 10:00 | (am/ pm) | |
| Weather Conditions: | | Seinnig | Warm | | *) |
| | <u>Name</u> | | Agency/Titl | | ephone 125-9171 |
| Inspectors: | | n Mesleit | 1 | 9 | 11 |
| | Nan | cy zelomani | , , | | |
| Facility Representativ | res: 1 a | h Haynes | UMI | 93 | 46-6100 |
| · · · · · · · · · · · · · · · · · · · | Dan | us Jackson | \mathcal{L} | | <u> </u> |
| See Appendix B to de | termine which | of the following | LDR waste c | ategories the fa | ncility manages: |
| | Generate | Transport | Treat | Store | Dispose |
| F001-F005 Solvents | | | | · · | - |
| F020-F023 and F026-F028 | | Canada and a second | 2 | | |
| California List* | | | | - | |
| First Third [40 CFR 268.10] | ~ | | 8 | | . |
| Second Third [40 CFR 268.11] | | - | | - | * * |
| Third Third [40 CFR 268.12] | | | | | |
| * See Appendix A | | ** | ." 6 | | |

INSPECTION SUMMARY

Processes That Generate LDR Wastes:

Manufacture Brass Wind Instruments (Horns)

LDR Waste Management:

FOUL- TCE FOUL- plating sludge DUUZ- Parto Cleaner-Sufety Xleen

Summary:

Signature:

RCRA LAND DISPOSAL RESTRICTIONS INSPECTION

II. WASTE IDENTIFICATION

| Α. | List v | List waste codes which the facility handles in each of the following LDR categories*: | | | | | |
|----------|--------|--|--|--|--|--|--|
| | 1. | Foo | | | | | |
| | 2. | F020-F023 and F026-F028 dioxin-containing wastes: | | | | | |
| | 3. | California List Wastes (See Appendix A): | | | | | |
| | 4. | First Third Wastes [40 CFR 268.10]: | | | | | |
| | 5. | Second Third Wastes [40 CFR 268.11]: | | | | | |
| | 6. | Third Third Wastes [40 CFR 268.12]**: | | | | | |
| В. | chare | Appendix 8. interestive 09/25/90, large quantity generators and TSDs are required to use the toxicity interestive toxicity characteristic (TCLP) instead of the extraction procedure (EP) for determining exicity characteristic (TCL). Small quantity generators must comply with this new requirement (7/29/91. Wastes which exhibit TC, but do not exhibit EP, will be considered "newly identified" is a constituent of the process of | | | | | |
| . | 1. | Have all wastes been correctly identified for purposes of compliance with 40 CFR Part 268?* Yes No If no, list below: | | | | | |
| | | Assigned Classification Correct Classification | | | | | |
| | | *Areas of concern include: California List/waste categories with more stringent treatment standards; listed/characteristic; multi-source/single-source leachate; P and U waste codes/F and K wastes; and waste code carry through principle. | | | | | |
| | | Comments: | | | | | |

| | .2 | | | aracteristic waste code been assigned, where a liste 0 CFR 268.9(a)] | d waste |
|----|--------|---|--|---|-----------------------------|
| | | Yes | No | NA | |
| | | Comments_ | | | |
| | 3. | Has multi-so | urce leachate l | been assigned the F039 waste code?* [40 CFR 261 | 31] |
| | | Yes | No | NA <u>√</u> | |
| | | *Leachate deri individual was | | from F020-F023 and/or F026-F028 dioxin wastes retains | the |
| | | If yes, was sin 22623] | ngle-source lea | schate combined to form multi-source leachate? [53 | 5 FR |
| | | Yes | No | | • |
| | | Comments_ | | | |
| C. | Does t | the facility har | idle the follow | ing wastes (national capacity variances)? | |
| ·= | 1. | or a RCRA | corrective action | oil and debris resulting from a CERCLA response a on (expires - 11/08/90). [40 CFR 268.30(c)] | action |
| | ur r | Yes | No√ | List | |
| • | 2. | | | nd debris resulting from a CERCLA response actio expires - 11/08/90). [40 CFR 268.31(b)] | п ог а |
| | | Yes | No <u>/</u> | List | |
| | 3. | | | d soil and debris resulting from a CERCLA responsive action (expires - 11/08/90). [40 CFR 268.32(d)(2) | |
| | | Yes | No/_ | List | |
| | 4. | K048-K052 [(b)] | petroleum was | tes (nonwastewaters; expires - 11/08/90). [40 CFR 2 | 268.35 |
| | | Yes | No <u>\/</u> | List | |
| | 5. | incineration K014, K023, K113, K114, P094, P097, | set in the Seco K027, K028, F K115, K116, F P109, P111, U | ed with wastes that had treatment standards based on Third rule - F010, F024, K009, K010, K011, K01 K029, K038, K039, K040, K043, K093, K094, K095, C039, P040, P041, P043, P044, P062, P071, P085, P0028, U058, U069, U087, U088, U102, U107, U190, S8/91). [40 CFR 268.34(d)] | 13, K 096, 89, |
| | | Yes | No/ | List | |
| | | | | | |

| 6- | Third Thir | d rule based on in | d with wastes that had treatment standards set in the cineration, mercury retorting, or vitrification. See 3/92). [40 CFR 268.35(e)] |
|-----|--|--|--|
| | Yes | No _ | List |
| 7. | The follow P012, P036 268.35(c)] | 6, P038, P065, P08 | ers - F039, K031, K084, K101, K102, K106, P010, P011, 87, P092, U136, U151. (expires -05/08/92). [40 CFR |
| | Yes | No | List |
| 8. | (nonwaste | waters), D008 (le | ad materials stored before secondary smelting), D009 05/08/92). [40 CFR 268.35(c)] |
| | Yes | No 🗸 | List |
| 9. | Inorganic bricks carr CFR 268.3 | rying EPA Hazard | fined in 40 CFR 268.2(g)*; includes chromium refactory dous Waste Nos. K048-K052 (expires - 05/08/92). [40 |
| | Yes | No/ | List |
| | *Note: Inc | correct reference [6 | 40 CFR 268.2(a)(7)) in Third Third rule. |
| 10. | | zardous wastes th 05/08/92). [40 CF | at contain naturally occurring radioactive materials R 268.35(c)] |
| | Yes | No 🗹 | List |
| 11. | | | 8.10, 268.11, and 268.12 that are mixed es (expires - 05/08/92)*. [40 CFR 268.35(d)] |
| | Yes | No | List |
| | *Note: 40 Third rule | | .11 wastes incorrectly omitted from this variance in the Third |

PCRA LAND DISPOSAL RESTRICTION INSPECTION

III. GENERATOR REQUIREMENTS

| . | Treatal | bility Group/Treatment Standard Identification* |
|----------|---------------------|--|
| | *Wote: and other | This information is generally available on LDR notifications. If not, waste profile data er documentation should be checked. |
| | 1. | F001-F005 Spent Solvent Wastes: Does the generator correctly determine the appropriate treatability group/treatment standard for each F-solvent? |
| | | Yes No NA |
| | • | If available, list each waste code and check the correct treatability group. |
| | | Waste Code Wastewater* Nonwastewater Eool TCE |
| | | |
| • | | *Less than 1% by weight total organic carbon (TOC), or less than 1% by weight total F001-F005 solvent constituents listed in 40 CFR 268.41, Table CCWE. [40 CFR 268.2(f)(1)] |
| | | Comments |
| | 2. | F020-F023 and F026-F028 Dioxin Wastes: Does the generator correctly determine the appropriate treatability group/treatment standard for each dioxin waste? |
| | | Yes No NA |
| | | If yes, list each waste code and check the correct treatability group. |
| | | Waste Code Wastewater* Nonwastewater |
| | | |
| | | Comments |
| | | *Less than 1% TOC by weight and less than 1% total suspended solids (TSS) by weight. [40 CFR 268.2(f)] |
| | 3. | First, Second, and Third Wastes: |
| | | a. Does the generator correctly determine the appropriate treatability group/treatment standard for each waste? |
| | | Yes <u>//</u> No NA |

| | If available, list each waste code and check the correct treatability group |
|----------------|---|
| | Waste Code Subcategory Wastewater* Nonwastewater |
| | DOO2/DOO7 DO40 FOOL WATP clating States |
| | * Less than 1% TOC by weight and less than 1% total suspended solids (TSS) with the following exceptions: K011, K013, and K014 wastewaters - less than 5% by weight TOC and less than 1% by weight TSS; K103 and K104 wastewaters - less than 4% by weight TOC and less than 1% by weight TSS. [40 CFR 268.2(f)(2) and (3)] |
| | Comments |
| b. | Do the assigned treatment standards for listed wastes cover constituents that may cause the waste to exhibit any characteristics? [40 CFR 268.9 (b)] |
| | Yes No NA |
| c. | Does the generator specify alternative treatment standards for lab packs?* |
| | Yes No NA |
| | *Use of the alternative treatment standards is not required. [55 FR 22629] |
| | If yes, do lab packs only contain the following wastes?* [40 CFR 268.42(c)(2)] |
| | Organometallics: 40 Part 268, Appendix IV constituents Organics: 40 CFR Part 268, Appendix V constituents |
| | *Unregulated wastes and hazardous wastes which meet treatment standards may be commingled in the appropriate Appendix IV and V Lab pack. [55 FR 22629] |
| d. | Does the generator specify alternative treatment standards for F039 multi-source leachate?* |
| | Yes No NA |
| | *Use of the alternative treatment standards is required. [55 FR 22619] |
| Califorand tre | rnia List Wastes: Has the generator correctly identified the treatability group eatment standard/prohibition level for the following wastes? [55 FR 22675] |
| a. | Liquid hazardous wastes containing PCBs ≥50 ppm |
| | Yes No NA |
| | If yes, check the appropriate treatability group: |
| | 50 to 500 ppm PCBs ≥500 ppm PCBs |

| | b. | Listed or (non-lique content | chara steristi iids) IIOCs, v | c wastes cont which are not | aining <u>></u> listed or | 1,000 mg/l (lic characterized | quids) or mg/kg I by the HOC | |
|----|---------------|------------------------------------|--|--------------------------------|---------------------------------|----------------------------------|---|--------|
| | | Yజ | No | _ NA | 1 | | | |
| | | If yes, ch | eck the appro | opriate treata | bility gro | oup: | | |
| | | | te HOC wast other HOCs g (liquids) or n | reater than o | r equal t | 10,000 mg/l H to the prohibit | IOCs) ion level of 1,000 | |
| | C. | Liquid h > 134 m | azardous was g/l nickel and | tes that exhib √or ≥130 mg | oit a char A thalliur | racteristic and m | also contain | |
| | | Yes | No | _ NA | ` <u>i</u> | | | |
| 5. | | | | | | | ia List prohibitions nces? (See Append | |
| | Yes_ | | No | NA | <u>''</u> | | | |
| - | the w | aste codes | | rator identifi | ed all ap | | y applies to some o ment standards and | |
| | Yes | - | No | NA | <u></u> ۱ | | | |
| | comp | lete the fo | st prohibitions llowing table y variances es | for each was | itestream te code, i | is managed by noting the dat | the generator, e on which relevan | t |
| | Wast | e Code | Cal L | ist Applicabi | lity | Expiration D | ate - | |
| | _ | | | | | | _ | |
| | Com | ments | | | | . | | |
| 6. | Trea an al | ternative n | nethod to tha | t required in | d techno 40 CFR | ologies: Has th 268.42? | e generator specific | ed |
| | Yes | <u> </u> | No | NA | | | | |
| | If ye meth | s, list the w nod, and do | aste code, the cumentation | e technology of approval. | specified [40 CFF | l in 40 CFR 26 R 268.42(b)] | 58.42, the alternativ | e |
| | <u>w</u> | aste Code | Required Te | chnology Al | ternative | Method_ | Approval | - |
| | | | | | | | | - - |
| | Соп | ıments | | | | · | | |

| | · · · · · 7. · · · · · | | e generator mix restricted wastes with different treatment standards for a ent of concern? |
|----|-------------------------------|-----------------------|--|
| | | Yes | No L |
| | | If yes, di [40 CFR | id the generator select the most stringent treatment standards? 2 268.41(b) and 268.43(b)] |
| | | Yes | No |
| | | Сотте | nts |
| В. | Waste | Analysis | |
| | 1. | | e generator determine whether restricted wastes exceed treatment ds/prohibition levels at the point of generation?* [268.7(a)] |
| | | Yes 👱 | No |
| | | *Note: T prohibiti | his determination may be made at the point of disposal if the waste only has a on level in effect. |
| | | If no, do | ses the generator ship all restricted wastes as not meeting treatment is? |
| | | Yes | No |
| | | Comme | nts |
| | 2. | Which o | of the following analytical methods does the generator employ?* |
| | | a violati | Now answer to applicable questions b. through d. does not necessarily constitute on. However, knowledge of waste is rarely adequate if a generator certifies that standard criteria have been met. |
| | | a.] | Knowledge of waste: |
| | | , | Yes No |
| | |] | If yes, list the wastes for which applied knowledge was used and describe the basis of determination. Attach documentation. [40 CFR 268.7(a)(5)] |
| | | - | |
| | | 8 | ICLP*: Are wastes with treatment standards specified in 40 CFR 268.41 analyzed using TCLP?** (BDAT*** = stabilization/immobilization echnology) |
| | | | Yes No NA <u> </u> |
| | • | | TCLP = Toxicity Characteristic Leaching Procedure [40 CFR Part 268, Appendix I, EPA Test Method 1311) *See Appendix C for exceptions. **See Appendix C to exceptions. **BDAT = best demonstrated available technology. See Appendix A. |

| | test, the frequency of testing, and note any problems. Attach test results. [40 CFR 268.7(a)(5)] |
|---------------|---|
| C. | Total constituent analysis: Are wastes with treatment standards specified in 268.43 analyzed using total constituent analysis?* (BDAT = destruction/removal technology) |
| | Yes No NA <u>//</u> |
| | *See Appendix C for exceptions. |
| | If yes, list the wastes for which total constituent analysis was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results. [40 CFR 268.7(a)(5)] |
| | |
| d. | PFLT*: Was PFLT used to determine if California List constituents were contained in <i>liquid</i> hazardous waste? |
| | Yes No _ NA |
| | *PFLT = Paint Filter Liquids Test [Test Method 9095, EPA Publication No. SW-846] |
| | If yes, list the wastes for which PFLT was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results. [40 CFR 268.7 (a)(5)] |
| | s the generator treat restricted wastes in 90-day tanks or containers regulated or 40 CFR 262.34 (permissible in some states)? |
| Yes | No (If No, go to 4.) |
| Doe: stand | s the generator treat the wastes to meet appropriate treatment dards/prohibition levels? |
| Yes | No |
| | s, has the generator prepared a waste analysis plan detailing the frequency of ng to be conducted? 40 CFR 268.7(a)(4)] |
| Yes | No (If No, go to 4.) |
| Doe | s the plan fulfill the following? [40 CFR 268.7(a)(4)(i)] |
| | Based on a detailed chemical and physical analysis of a representative sample Contains information necessary to treat the wastes in accordance with 40 CFR Part 268 requirements |

3.

| | | the plan been filed with the Regional Administrator (return receipt, Federal ess slip, etc. required for verification)? [40 CFR 268.7(a)(4)(ii)] |
|----|-----------|---|
| | Yes_ | No |
| | Com | ments |
| 4. | Dilut | tion Prohibition [40 CFR 268.3]: |
| | 8. | Does the generator mix prohibited* wastes with different treatment standards? |
| | | *See Appendix E for distinction between restricted and prohibited wastes. |
| | | Yes No (If No, go to b.) |
| | | List the wastes |
| | | Are the wastes amenable to the same type of treatment? [55 FR 22666] |
| | | Yes No |
| | | Comments |
| - | b. | Does the generator dilute prohibited wastes to meet treatment standard criteria, or render them non-hazardous? [55 FR 22665-22666] |
| | | Yes No (If No, go to c.) |
| | | Check appropriate category: |
| | | Dilutes to meet treatment standards Dilutes to render waste non-hazardous |
| | | Do the wastes fall into the following categories? (Check if appropriate.) [40 CFR 268.3(b)] |
| | | Managed in treatment systems regulated under the Clean Water Act Non-toxic* characteristic wastes Treatment standard specified in 40 CFR 268.41 or 268.43 |
| ٠ | | *Non-toxic = D001(except high TOC nonwastewaters), D002, and D003(except cyanides and sulfides). [55 FR 22666] |
| | | If the wastes do not fall into the above categories, briefly describe the conditions under which they were diluted. |
| | C. | Based on an assessment of points a. and b., and any other relevant circumstances, does the generator dilute prohibited wastes as a substitute for adequate treatment? [40 CFR 268.3(a)] |
| | | Yes No <u>~</u> |
| | | Comments |

| | | F039 N | fulti-source lead | hate: Has the | generator num an | i initial analysis for | all |
|-----|----------|----------|--|--------------------------------------|--|--|---|
| | . | constitu | uents of concern | in 40 CFR 2 | 68.41 and 268.43? | [55 FR 22620] | |
| | | Yes_ | No | NA_ | | | |
| C. | Manag | gement | | <i>'</i> | | | |
| | 1. | On-Sit | e Management | | | | |
| • | | a. | | | | RCRA exempt uni 80) days, or dispose | |
| | | | Yes | No | | | |
| | | | (If yes, the TS) | D Checklist n | nust also be comp | oleted.) | |
| | | | * Small quantity less than 1,000 waste | y generator = g kg/mo. hazardo | penerator of greater ous waste, or less | r than or equal to 10 than 1 kg/mo. acutely | 00 kg/mo, but / hazardous |
| . * | | | Comments | | | | |
| | | b. | Clean Water A restriction, hor pursuant to an 22662] | Act, have the switched was NPDES pen | following been do vastes are manage mit are not prohib | n systems regulated cumented: the det d, and why wastes d bited (if applicable) | ermination of lischarged ? [55 FR |
| | | | Yes | No | NA | Wastewas | en trestmen Septem |
| | | c. | them non-haz | ardous, are th | | n RCRA exempt ur d as restricted until 268.9(d)] | |
| · | | | Yes 🔟 | No | NA | | |
| | | | 268.41 and 268. | 43, and to som | ration based treatme 40 CFR 268.42 req istic level. See A | ment standards specif guired methods which uppendix 0. | ied in 40 CFR result in |
| | 2. | Off-S | ite Management | : Waste Exce | eds Treatment St | andards | |
| | | a. | Does the gene /prohibition le treatment or s | evels (not sub | ject to a national | eds treatment stand capacity variance) t | ards o an off-site |
| | | | Yes | No | (If No, go to | 3.) | |
| | | | Identify waste wastes are shi | ` ' | off-site treatment | or storage facilities | s to which |
| | ar. | | Waste Code Dow 210007 FOOL | Recei Laidlau Emrud | ving Facility - / Envrish | <u></u> | · |
| | | | 2-40 | a4 | | | |

| | 120es the ger [40 CFR 268 | | e a notification to the | treatment or storage facility? |
|-------|---------------------------------|-----------------------------------|---|--|
| | Yes | No | (If No, go to 3.) | LDR manifest-faxed while |
| | If the genera | ator specifies a required in 40 | lternative treatment st CFR 268.7(a)(7) or (8 | andards for lab packs, is the 🤭 🏗 🗀 |
| | Yes | No | NA L | |
| b. | Is a notificat | ion sent with e | ach waste shipment? | |
| • | Yes | No | | |
| | | waste subject to erator only)? | o a tolling agreement p | oursuant to 262.20(e) (small |
| | Yes | No | (If No, go to 3.) | |
| | | odes and subse | quent handler with wh | om a contractual |
| | Waste Code | Subsec | quent Handler | |
| | | | | |
| | facility with | the first waste | erator provide a notific shipment subject to th | cation to the receiving e tolling agreement? [40 |
| | CFR 268.7(a | | | |
| Off (| | | ts Trantmant Standars | Io |
| a. | Does the ge | | | ent standards/prohibition |
| | Yes | No _ | (If No, go to 4.) | |
| | Identify was | te code(s) and | off-site disposal facilit | ies: |
| | Waste Code | • | Receiving Facil | |
| | | | | · · · · · · · · · · · · · · · · · · · |
| | Does the general facility? [40] | nerator provid CFR 268.7(a) | e a notification and a c (2)(i) and 268.7(a)(2)(| ertification to the disposal ii)]? |
| • | Yes | No | (If No, go to d.) | |

3.

| b. | Are a notification an | d a cerutication sent wi | in each was a shipment? |
|-----------|--|--|--|
| | Yes No _ | | |
| | If no, is the waste sui quantity generator o | | nent pursuant to 262.20(e) (small |
| | Yes No_ | (If No, go to | c.) |
| | List waste codes and tolling agreement is | subsequent handler with | th whom a contractual |
| | Waste Code | Subsequent F | Handler |
| | | | |
| | Did the small quanti the receiving facility agreement? [40 CFI | with the first waste ship | notification and a certification to oment subject to the tolling |
| | Yes No_ | | |
| c. | | astes which have been r shipped to a Subtitle I | rendered non-hazardous (in a D) facility? |
| | Yes No | NA | (If No or NA, go to 4.) |
| | Complete the follow | ing table: | |
| | Waste Code | Receiving F | acility |
| | | | |
| | | | ch shipment sent to the Regional R 268.9(d)(1) and 268.7(b)(5)]? |
| | Yes No | | |
| | Off-Site Manageme | nt: Wastes Subject to V | ariances, Extensions, or Petitions |
| a. | which are subject to C), or case-by-case | a national capacity varientension (40 CFR 268. | · |
| | Yes No | (If No, go to | 5.) |
| ·. | Complete the follow | ving table: | |
| | Waste Code | Receiving F | <u>Facility</u> |
| | | | |
| | | | |

| | | | | posal? [40 CFR | 268.7(a)(3)] | |
|-----------------|--|----------------------------------|--|--|--|---|
| | Yes | No | | | | |
| ъ. | Is a notifica | tion sent with | n each waste shi | pment? | | |
| | Yes | No | | | | |
| | | | t to a tolling agr | eement pursua)? | nt to 40 CFR | |
| | Yes | No | (If No, g | o to 5.) | | |
| | | codes and sub ement is held | | r with whom a c | contractual | |
| | Waste Cod | <u>e</u> <u>Su</u> | bsequent Hand | <u>ler</u> | | |
| | | | | | | |
| | Did the sm facility with [40 CFR 20 | the first was | enerator provid te shipment sub | e a notification ject to the tollin | to the receiving ng agreement? | |
| | Yes | No | | | | |
| Reco | rds Retention | 1 | | • | | |
| | | | | otifications, cer CFR 268.7(a)(| rtifications, and othe 6)] | r |
| Yes_ | ✓ No | | | | | |
| certif | copies of relevences of the copies of the co | on site for at l | greements, alon least 3 years afte | ig with the LDF er expiration or | R notification and/or termination of the | |
| Yes _ | No | | NA | | | |
| expire | | | | | viously covered unde I the soft hammer | r |
| Yes_ | No | | NA | | | |
| wastes minim | s which had tre um 90-day natio | atment standar nal capacity v | ds established in ariance to 08/08/ | the Third Third '90. | 05/08/90. Soft hammer rule were granted a | • |
| Com | ments | | | | | _ |

| | tment Using RCRA 40 CFR Parts 264 and 265 Exempt Units or Processes |
|----|--|
| 1. | Are restricted wastes treated in RCRA exempt units (i.e., boilers, furnaces, distillation units, wastewater treatment tanks, elementary neutralization, etc.)? |
| | Yes // No (If No, do not complete this section.) |
| • | List types of waste treatment units and processes: |
| | Waste Code Type of Treatment Treatment Units and Processes |
| | Por Foot plating Wester Westernte Treatment system |
| | , , , , , , , , , , , , , , , , , , , |
| 2. | Are treatment residuals generated from these units? |
| | Yes No |
| | Comments Foot plating studge shipped as hig Waste |
| 3. | Are residuals further treated, stored for greater than 90/180 days, or disposed or |
| | Yes No NA |
| • | (If yes, the TSD checklist must also be completed.) |
| | |
| | |
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RCRA-LAND DISPOSAL RESTRICTION INSPECTION

| IV. TSD REQ | UIREMENT | s N/A | - Certifico | Post Close | re, 6/7/91 | | | |
|--|--|------------------|--------------------|----------------|-----------------|------------|--|--|
| A. Waste Analysis [40 CFR 268.7(b), 264.13, and 265.13] | | | | | | | | |
| 1. | Does the waste analysis plan address the following LDR waste categories? [40 CFR 264.13(b)(6) and 265.13(b)(6)] | | | | | | | |
| | F001-F005 Spent Solvents Yes No | | | | | | | |
| | F020-F023 and F026-F028 Dioxins Yes No | | | | | | | |
| | California I | ist Wastes | | Yes | No | NA | | |
| | First, Secon | nd, and Third T | hird Wastes | Yes | No | NA | | |
| | Comments | | | | | | | |
| 2. | Has the was | ste analysis pla | n been revised t | o address F039 | multi-source le | achate? | | |
| | Yes | No | NA | | | | | |
| 3. | What date | was the waste | analysis plan last | revised?/_ | / | - | | |
| 4. | 4. Does analytical data contain all the information required to treat, store, or dispose restricted wastes? [40 CFR 264.13(a)(1) and 265.13(a)(1)] | | | | | | | |
| Yes No | | | | | | | | |
| | If yes, which of the following are sources of analytical data? (More than one may apply.): | | | | | | | |
| | Generator provides data Facility performs analyses in on-site laboratory Facility contracts analyses at off-site laboratory | | | | | | | |
| If the generator provides data, does the facility provide corroborative testing? [4 CFR 264.13(a)(2) and 265.13(a)(2)] | | | | | | sting? [40 | | |
| Yes No NA | | | | | | | | |
| | If analyses are conducted off site, identify lab: | | | | | | | |
| | a. Are wastes with treatment standards specified in 40 CFR 268.41 analyzed using the toxicity characteristic leaching procedure (TCLP)?* (BDAT** = stabilization/immobilization technology) [40 CFR 268.7(b)(1)] | | | | | | | |
| | Ye | s N | lo N | A | | | | |
| *See Appendix C for exceptions. **BDAT = best demonstrated available technology. See Appendix A. | | | | | | | | |

| | | | If yes, list the wastes for which TCLP was used and provide the date of last test, frequency of testing, and note any problems. Attach test results. [40 CFR 264.73 (b)(3) and 265.73(b)(3)] |
|----|-------|----------|--|
| | | | |
| | - | b. | Are wastes with treatment standards specified in 40 CFR 268.43 analyzed using total constituent analysis?* (BDAT = destruction/removal technology) [40 CFR 268.7(b)(3)] |
| | | | Yes No NA |
| | • | | *See Appendix C for exceptions. |
| | | | If yes, list the wastes for which total constituent analysis was used and provide the date of last test, frequency of testing, and note any problems. Attach test results. [40 CFR 264.73 (b)(3) and 265.73(b)(3)] |
| | | | |
| | | c. | Is the paint filter liquids test (PFLT) used to determine if California List wastes are contained in <i>liquid</i> hazardous waste? [40 CFR 268.32(i)] |
| | | | Yes No NA |
| | | | If yes, list the wastes for which PELT was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results. [40 CFR 264.73(b)(3) and 265.73(b)(3)] |
| | | | |
| В. | Opera | ating Re | ecord [40 CFR 264.73 and 265.73] |
| | 1. | specif | the operating record contain records and results of waste analyses performed as ied in 40 CFR 268.4 and/or 40 CFR 268.7(b)? [40 CFR 264.73(b)(3) and 3(b)(3)] |
| | | Yes_ | No |
| | 2. | | the operating record contain copies of LDR notifications and certifications?* FR 264.73(b)(11), (13), and (15) and 40 CFR 265.73(b)(11), (13), and (15)] |
| | | Yes_ | No |
| | | *Includ | de both those received from generators, and those prepared for off-site shipments. |
| | 3. | which | the operating record include appropriate documentation for restricted wastes are managed wholly on site? [40 CFR 264.73(b)(12), (14), and (16) and 3(b)(12), (14), and (16)] |
| | | Yes _ | No NA |
| | | | |

| | | Does the documentation discussed in points 2, and 3, reflect proper historical | **** |
|----|--------|--|------|
| | | management of wastes previously covered under expired national capacity variances, | |
| | | case by case extensions, and the soft hammer provision?* | |
| | | Yes No NA | |
| | | *Note that the soft hammer provision expired as of 05/08/90. Soft hammer wastes which had treatment standards established in the Third Third rule were granted a minimum 90-day national capacity variance to 08/08/90. | |
| C. | Storag | ge [40 CFR 268.50] | |
| | 1. | Are prohibited* wastes stored on site in containers? | |
| | | Yes No (If No, go to 2) | |
| | | *See Appendix E for distinction between restricted and prohibited wastes. | |
| | ٠. | Are all containers clearly marked to identify the contents and date(s) entering storage? [40 CFR 268.50(a)(2)(i)] | |
| | | Yes No | |
| | | Have wastes been stored for more than one year since the applicable LDR regulations went into effect? | |
| - | | Yes No (If No, go to 2.) | |
| | | Can the facility show that such accumulation is necessary to facilitate property recovery, treatment, or disposal? [40 CFR 268.50 (c)] | |
| ÷ | | Yes No | |
| | | If yes, state how: | |
| | 2. | Are prohibited wastes stored on site in tanks? | |
| | | Yes No (If No, go to 3.) | |
| | | Are all tanks clearly marked with a description of the contents, the quantity of each hazardous waste received, and date each period of accumulation begins, or is such information recorded and maintained in the operating record? [40 CFR 268.50(a)(2)(ii)] | |
| | - | Yes No | |
| | | Have tanks been emptied at least once per year since the applicable LDR regulations went into effect? | |
| | | Yes No (If Yes, go to 3.) | |

3

| | | Can the facility show that such accumulation is neccesary to facilitate proper recovery, treatment, or disposal? [40 CFR 268.50(c)] | | | | | | |
|----|-------|--|--------------------------------------|--|--|-----------------------|--|--|
| | | Yes | No | | | | | |
| | | If yes, state | how: | | | | | |
| | 3. | Does the facility store liquid hazardous waste containing PCBs at concentrations greater than or equal to 50 ppm? | | | | | | |
| | | Yes | No | (If No, | go to D.) | | | |
| | | Does the fa | cility meet the | ISCA criter | ia in 40 CFR 761.65(b) | ? [40 CFR 268.50(f)] | | |
| | | Yes | No | | • | | | |
| | | Have these | wastes been sto | red for mor | e than one year? [40 C | FR 268.50(f)] | | |
| | | Yes | No | | | | | |
| D. | Treat | tment | | | | | | |
| | 1. | Does the fa | cility treat restr | icted wastes | other than in surface i | mpoundments? | | |
| | | Yes | No | (If No, | do not complete this se | ection. Go to E.) | | |
| | 2. | | d technologies 40 CFR 268.42 | it wastes which have tre 268.40(b)] | eatment standards | | | |
| | | Yes | No | NA | (If Yes or NA, | go to 3.) | | |
| | | Was an alternative method approved? | | | | | | |
| | | Yes | No | | | • | | |
| | | List each waste code, the technology specified in 40 CFR 268.42, and the alternative method. Check if approval of the alternative method is documented. [40 CFR 268.42(b)] | | | | | | |
| | | Waste Code | Required T | echnology | Alternative Method | <u>Approval</u> | | |
| | | | | | | | | |
| | 3. | from lab pa | cks containing I ce with the subj | 2004, D005 | indards are specified, ar , D006, D007, D008, D ment standards for the | 010, and D011 treated | | |
| | | Yes | No | NA | • | | | |
| | | | | | | | | |

| 4 | Descr | be all other waste codes and treatment processes: | | | | | | |
|-------------|---------------------------|---|--|--|--|--|--|--|
| | Waste | Code Treatment Processes | | | | | | |
| | <u> </u> | | | | | | | |
| _ | | | | | | | | |
| 5. ' | | cteristic wastes: | | | | | | |
| | | 40 CFR Part 268 treatment standard lower than the 40 CFR Part 261 cteristic level?* | | | | | | |
| | Yes_ | No | | | | | | |
| | *This and 26 charac | applies to both concentration based treatment standards specified in 40 CFR 268.41 3.43, and to some 40 CFR 268.42 required methods which result in treatment below the teristic level. See Appendix D. | | | | | | |
| | treatr | does the facility manage the waste as restricted until 40 CFR Part 268 nent standards are met, even after the waste is rendered non-hazardous? [40 268.9(d)] | | | | | | |
| | Yes No | | | | | | | |
| | Com | nents | | | | | | |
| 6. | Dilut | on Prohibition [40 CFR 268.3]: | | | | | | |
| | a. | Does the facility mix prohibited wastes with different treatment standards? | | | | | | |
| | | Yes No (If No, go to c.) | | | | | | |
| | | List the wastes | | | | | | |
| | b. | Are the wastes amenable to the same type of treatment? [55 FR 22666] | | | | | | |
| | | Yes No | | | | | | |
| | | If yes, is this method used for the aggregated wastes? | | | | | | |
| | | Yes No | | | | | | |
| | | Comments | | | | | | |
| | C. | Based on an assessment of points a. and b., or any other relevant information is dilution used as a substitute for treatment? [40 CFR 268.3(a)] | | | | | | |
| | | Yes No | | | | | | |
| | | Comments | | | | | | |

| 7. | Does the facility, in accordance with an acceptable waste analysis plan, test residues from all treatment processes? [40 CFR 268.7(b)] | | | | | | | |
|-----|--|---|--|--|--|--|--|--|
| | Yes | No | | | | | | |
| | Comments | | | | | | | |
| 8. | | Does the facility ship any characteristic wastes which have been rendered non-hazardous to a Subtitle D facility? | | | | | | |
| | Yes | No (If No, go to 9.) | | | | | | |
| | Complete the | following table: | | | | | | |
| | Waste Code | Receiving Facility | | | | | | |
| | | | | | | | | |
| | - Technology - Market | | | | | | | |
| | | tion and a certification for each shipment sent to the Regional or authorized State? [40 CFR 268.9(d)(1) and 268.7(b)(5)] | | | | | | |
| | Yes | No | | | | | | |
| 9. | Does the facility? | ity ship any wastes or treatment residues to an off-site land disposal- | | | | | | |
| | Yes | No (If No, go to 10.) | | | | | | |
| | Complete the | following table: | | | | | | |
| | Waste Code | Receiving Facility | | | | | | |
| | *************************************** | · | | | | | | |
| | | | | | | | | |
| | Are a notifica waste shipme | tion and a certification provided to the land disposal facility with each at? [40 CFR 268.7(b)(4) and 40 CFR 268.7(b)(5)] | | | | | | |
| | Yes | No | | | | | | |
| 10. | | ity ship any wastes or treatment residues to be further managed at a ment or storage facility? | | | | | | |
| | Yes | No (If No, go to E) | | | | | | |

| | | Complete the following table: |
|----|-------|--|
| | | Waste Code Receiving Facility |
| | | |
| | | |
| | | Are appropriate generator notifications and certifications provided to the receiving facility with each waste shipment? [40 CFR 268.7(b)(6)] |
| | | Yes No |
| E. | Surfa | ce Impoundments [40 CFR 268.4] |
| | 1. | Are restricted wastes placed in surface impoundments for treatment? |
| | | Yes No (If No, go to F.) |
| | | List |
| | 2. | Are evaporation or dilution the only recognizable treatment occurring in the surface impoundment? [40 CFR 268.3(a) and 268.4(b)] |
| | | Yes No |
| | | Comments |
| | 3. | Has the facility submitted to the Agency a waste analysis plan and certification of compliance with minimum technology requirements and ground-water monitoring requirements? [40 CFR 268.4(a)(4)] |
| | | Yes No |
| | 4. | If the minimum technology requirements have not been met, has a waiver been granted for that unit? [40 CFR 268.4(a)(3)(ii)] |
| | | Yes No NA |
| | 5. | Are representative samples of sludge and supernatant from the surface impoundment tested separately, acceptably, and in accordance with the sampling frequency and analyses specified in the waste analysis plan? (Attach test results.) [40 CFR 268.4(a)(2)(i)] |
| | | Yes No |
| | 6. | Does the operating record adequately document the results of waste analyses performed in accordance with 40 CFR 268.4? [40 CFR 264.73(b)(3) and 265.73(b)(3)] |
| | | Yes No |
| | | Comments |

| | /. | standards/prohibition levels? | | | | | | | |
|----|------|---|---|---------------|--|----------------|--|--|--|
| | | Sludge Supernatant | Yes Yes | No No | Waste Code | | | | |
| | | | • | | ted on treatment residues | | | | |
| | 8. | If sludge residues exceed treatment standards/prohibition levels, are they removed on an annual basis? [40 CFR 268.4(a)(2)(ii)] | | | | | | | |
| | | Yes | No | NA | | | | | |
| | | Comments | | | | | | | |
| | | Are residues s 268.4(a)(2)(iii | | managed in an | other surface impoundme | ent? [40 CFR | | | |
| | | Yes | No | · | | · | | | |
| | 9. | | | | eatment standards, is annu CFR 268.4(a)(2)(ii)] | ual throughput | | | |
| | | Yes | No | NA | | | | | |
| | | Comments | | . | | | | | |
| F. | Land | Disposal | | | | | | | |
| | 1. | Are restricted wastes placed in or on the land in units such as landfills, surface impoundments*, waste piles, land treatment units, salt domes/beds, mines/caves, concrete vaults, or bunkers? [40 CFR 268.2(c)] | | | | | | | |
| | | Yes | No | (If No, go | to G.) | | | | |
| | | *Note: Do not include surface impoundments addressed in E. | | | | | | | |
| | | If yes, specify | If yes, specify which units and what wastes each unit has received: | | | | | | |
| | | <u>Unit</u> | | Wa | aste | | | | |
| | | | | | | | | | |
| 4. | 2. | Does the facility, in accordance with an acceptable waste analysis plan, wastes prior to land disposal to ensure that all applicable treatment stan prohibition levels have been met? [40 CFR 268.7(c)(2)] | | | | | | | |
| | | Yes | No | | | | | | |
| | | Comments | | | | | | | |

| Doe | Doer illity test wastes to ensure that they in not exhibit any characteristics at the point of disposal?* [40 CFR 268.9(c)] | | | | | | | | |
|-----------------------------|---|---|--|--|--|--|--|--|--|
| Yes | No | NA | | | | | | | |
| e#ote: A | waste may exceed a hat characterist(c | n characteristic level only if the treatment standard for has been mat. | | | | | | | |
| Does the performed 265.73(b | ed in accordance v | l adequately document the results of waste analyses with 40 CFR 268.7(c)? [40 CFR 264.73(b)(3) and | | | | | | | |
| Yes | No | | | | | | | | |
| If yes, at | what frequency a | are analyses performed? | | | | | | | |
| | | | | | | | | | |
| Does th | e facility land disp | ose of restricted wastes which are not prohibited? | | | | | | | |
| Yes | No | (If No, go to 6.) | | | | | | | |
| | · | priate category below: | | | | | | | |
| | | | | | | | | | |
| Nationa Case Br | ll Capacity Varian | ce (40 CFR Part 268, Subpart C)(40 CFR 268.5) | | | | | | | |
| No-Mig | ration Petition (4) | 0 CFR 268.6) | | | | | | | |
| Treatme | ent Standard Vari | Ò CFR 268.6) (iance (40 CFR 268.44) | | | | | | | |
| Does the | ne operating recor | ed contain records of the quantities, date of placement, and a tification [40 CFR 268.7(a)(3)] for each shipment of a case-by case extension or no-migration petition? [40] | | | | | | | |
| Yes | No | NA | | | | | | | |
| Do land case-by | d disposal units re- case extension m | ceiving wastes covered by a national capacity variance or leet the requirements in 40 CFR 268.5(h)(2)? | | | | | | | |
| Yes | No | NA | | | | | | | |
| If the f | acility has a case-b to the Regional A | by-case extension, is progress being made as described in Administrator? | | | | | | | |
| Yes _ | No | NA | | | | | | | |
| Are res | stricted wastes pla | ced in underground injection wells? | | | | | | | |
| Yes | No | List | | | | | | | |
| - | | | | | | | | | |

| Othe | er Wastestr | eams | | | • | | | | |
|------|---------------------|---|-------------------------------|--------------------------------------|---|--|--|--|--|
| 1. | | e facility gene nt units? | rate wastes of | her than residue | s from RCRA | | | | |
| | Yes | No_ | _ (If) | No, go to H.) | | | | | |
| 2 | On-Site | Management | | | | | | | |
| • | | Water Act, ha restriction, ho | we the following restricted w | ing been docume vastes are manage | s regulated under the Clean nted: the determination of ed, and why wastes discharged bited (if applicable)? [55 FR | | | | |
| | | Yes | No | NA | | | | | |
| | | non-hazardou | is, are the was | | exempt units to render them estricted until 40 CFR Part 268 .9(d)] | | | | |
| | | Yes | No | NA | | | | | |
| | | 268.41 and 268. | .43, and to som | | ment standards specified in 40 CFR quired methods which result in Appendix D. | | | | |
| 3. | Off-Site | e Managemen | t: Waste Exce | eds Treatment S | Standards | | | | |
| | | Are wastes that exceed treatment standards/prohibition levels (not subject to a national capacity variance) shipped to an off-site treatment or storage facility? | | | | | | | |
| | Yes | No _ | (If 1 | No, go to 4.) | | | | | |
| | Identify shipped | | s) and off-site | treatment or sto | rage facilities to which wastes ar | | | | |
| | Waste (| Code | Receiving F | acility | | | | | |
| | | | | | · | | | | |
| | | | | | | | | | |
| | | R notification [40 CFR 268 | | r each shipment | to the treatment or storage | | | | |
| ٠ | Yes | No | (If) | No, go to 4.) | | | | | |
| | | | | | | | | | |

G.

| | | | | | I for lab packs, is the ce I with the notification? | rtification |
|----|-----------|-------------|-------------------------------|---------------------------------|--|---------------------------------|
| | • | _ No | | NA | | |
| 4. | Off-Si | te Managem | ent: Wastes | Meets Treatme | ent Standards | |
| | a. | | that meet troosal facility | | ards/prohibition levels s | hipped to an |
| | | Yes | No | (If No, | go to 5.) | |
| | | Identify wa | ste code(s) | and off-site disp | oosal facilities: | |
| | | Wast | e Code | Receiving Faci | ility | |
| | | | | | | |
| | | | | | ons provided for each sl (i) and 268.7(a)(2)(ii)] | |
| | | Yes | No | (If No | , go to b.) | |
| | b. | | | | been rendered non-haz | ardous (in a |
| | | Yes | No | NA_ | _ (If No or NA, go | to 5.) |
| | | Complete | the followin | g table: | | |
| | | Was | te Code | Receiving Fac | cility | |
| | | - | | | | |
| | | Are a not | ification and ator or auth | a certification orized State? [| for each shipment sent 40 CFR 268.9(d)(1) am | to the Regional ad 268.7(b)(5)? |
| | | Yes | No | _ | | |

| 5. | Off-Sit | te Management: Wastes Subject to Variances, Extensions, or Petitions |
|-----------|-----------|--|
| | a. | Are wastes that are subject to a national capacity variance (40 CFR Part 268, Subpart C) or a case-by-case extension (40 CFR 268.5) shipped to a treatment, storage, or disposal facility? |
| | | Yes No (If No, go to 6.) |
| | | Complete the following table: |
| | | Waste Code Receiving Facility |
| | | |
| | b. | Are LDR notifications (stating that the waste is not prohibited from land disposal) provided for each shipment to the off-site receiving facility? [40 CFR 268.7(a)(3)] |
| | | Yes No |
| 6. | Dilutio | on Prohibition [40 CFR 268.3]: |
| | a. | Are prohibited* wastes with different treatment standards mixed? |
| | | *See Appendix E for distinction between restricted and prohibited wastes. |
| | | Yes No (If No, go to b.) |
| | | List the wastes |
| | | Are the wastes amenable to the same type of treatment? [55 FR 22666] |
| | , | Yes No |
| | | Comments |
| | b. | Are prohibited wastes diluted to meet treatment standard criteria, or render them non-hazardous? [55 FR 22665-22666] |
| | | Yes No (If No, go to c.) |
| | | |
| | | Check appropriate category: |

| · | Do wastes fall into the following categories? (Check if appropriate.) [40 CFR 268.3(b)] |
|--------------|---|
| | Managed in treatment systems regulated under the Clean Water Act Non-toxic* characteristic wastes Treatment standard specified in 40 CFR 268.41 or 268.43 |
| | *Non-toxic = D001 (except high TOC nonwestewaters), D002, and D003 (except cyaniand sulfides). [55 FR 22666] |
| | If the wastes do not fall into the above categories, briefly describe the conditions under which they were diluted. |
| | |
| | |
| c. | Based on an assessment of points a. and b., and any other relevant circumstances, are prohibited wastes diluted as a substitute for adequate creatment? [40 CFR 268.3(a)] |
| | Yes No |
| | Comments |
| .dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
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| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
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| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |
| dditional C | Comments, Concerns, or Issues Not Addressed in the Checklist: |

LAND DISPOSAL RESTRICTIONS INSPECTION

V. TRANSPORTER REQUIREMENTS Does the transporter accumulate restricted wastes for more than 10 days? [40 CFR 268.50(a)(3)] Yes No If yes, check the appropriate regulatory status: Interim status for storage RCRA permit for storage (The TSD checklist must also be completed.) If no, describe inventory controls to ensure that wastes are not stored for more than 10 days: В. Does the transporter mix or combine restricted wastes of different DOT shipping descriptions? [40 CFR 263.10(c)(2)]? Yes ___ No (If yes, the Generator checklist must also be completed.) Are restricted wastes treated in RCRA exempt units (boilers, furnaces, distillation units, C. wastewater treatment tanks, elementary neutralization, etc.)? No (If No, do not complete this section.) List types of waste treatment units and processes: Waste Code Type of Treatment Treatment Units or Process Are treatment residuals generated from these units? Yes No Comments Are residuals further treated, stored for greater than 10 days, or disposed on site? Yes No NA (If Yes, the TSD checklist must also be completed.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

DATE: APR 2 4 1991

SUBJECT: Referral for Enforcement Actions

United Musical Instruments and Zaclon, Incorporated

OHD 004 153 854

OHD 004 184 768

FROM: Karl E. Bremer, Chief ORIGINAL SIGNED BY!

Karl E. Bremer, Chief KARL E. BREMER RCRA Permitting Branch (5HR-13)

TO: Kevin Pierard, Acting Chief

RCRA Enforcement Branch (5HR-12)

Please initiate enforcement actions against United Musical Instruments (UMI). and Zaclon, Incorporated, for their failure to submit Part B post-closure permit applications/equivalency demonstrations. On September 20, 1990, Part B postclosure permit application call-in letters were sent to UMI and Zaclon, Incorporated stating that they must submit a Part B post-closure permit application or an equivalency demonstration within 6 months from receipt of the letter. The return receipt for UMI shows that it was received by UMI on September 28, 1990, making, March 28, 1991, the due date. The return receipt for Zaclon, Incorporated was not date stamped upon receipt, however, an agent for the corporation signed it. To this date, we have not received oral or written communication from UMI or Zaclon, Incorporated.

For further information on this matter, please contact Mark Sattelberg, at 3-9184 for UMI and Steve Bouchard, at 6-7569 for Zaclon, Incorporated.

Attachments

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

DATE: APR 2 4 1991

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United Musical Instruments and Zaclon, Incorporated

OHD 004 153 854

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RCRA Permitting Branch (5HR-13

TO: Kevin Pierard, Acting Chief

RCRA Enforcement Branch (5HR-12)

Enforcement branch (on)

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Attachments

SEP 2 0 1990

5HR-13

CERTIFIED MAIL: P707 063 442 RETURN RECEIPT REQUESTED

Edward H. Chesko, General Manager United Musical Instruments USA, Incorporated 33999 Curtis Boulevard Eastlake, Ohio 44094

> Part B Post-Closure Permit Application United Musical Instruments USA, Inc.

Eastlake, Ohio OHD 004 153 854

Dear Mr. Chesko:

Hazardous Hazardous Waste filer beds This letter brings to your attention the regulatory responsibilities of facilities which previously closed interim status surface impoundments, landfills, waste piles or land treatment units and certified clean closure under the Part 265 standards.

According to our records, your facility closed a surface impoundment following a closure plan approved by the Ohio Environmental Protection Agency on October 15, 1986. The closure was in accordance with Part 265 interim status clean closure requirements. A certification of closure was received by the United States Environmental Protection Agency (U.S. EPA) on October 15, 1987, indicating that closure was performed in accordance with the specifications of the closure plan.

Section 3005(i) of the Hazardous and Solid Waste Amendments of 1984 (HSWA) requires all landfills, surface impoundments, waste piles, and land treatment units that received waste after July 26, 1982, to comply with the groundwater monitoring, unsaturated zone monitoring and corrective action requirements applicable to new units. The U.S. EPA implemented this provision in the December 1, 1987, Codification Rule (enclosed). In addition, the U.S. EPA issued conforming changes to the Part 265 regulations on March 19, 1987, (enclosed) to bring surface impoundments into conformance with Part 264 requirements.

Previously, post-closure permits were only required for land disposal units which closed after January 26, 1983. (Regulation 40 CFR 270.1(c) requires that units which received hazardous waste after July 26, 1982, or which certified closure after January 26, 1983, obtain a post-closure permit unless they successfully demonstrate compliance with the Part 264 requirements for closure by removal and decontamination.

Regulation 40 CFR 270.1(c) also affords owners/operators who closed under the Part 265 requirements the option of demonstrating that the regulated unit had actually been closed in accordance with the Part 264 requirements, by submitting an equivalency demonstration. This equivalency demonstration is outside the Part B post-closure permit application and review process. A discussion on the requirements and timeframes for submitting a demonstration is presented in the preamble to the December 1987 Codification Rule.

Under the authorities described in the enclosures to this letter, this is a formal request for submittal of a post-closure permit application, covering specifically the hazardous waste management unit in question. If United Musical Instruments USA, Inc., believes the Part 264 standards for closure by removal were met, it may petition the Regional Administrator for a closure equivalency determination. Please refer to the two enclosures and 40 CFR 270.1(c)(5) and (6) for information on the contents and procedures for submitting an equivalency demonstration.

The U.S. EPA is requesting that United Musical Instruments USA, Inc., submit either a post-closure permit application or equivalency demonstration within 6 months from receipt of this letter. Please submit two copies of the document to the following address:

RCRA Permitting Branch (5HR-13)
U.S. EPA, Region V
230 South Dearborn Street
Chicago, Illinois 60604
Attention: R. Mark Sattelberg

If you have questions regarding the contents of this letter or need additional guidance, please contact R. Mark Sattelberg at (312) 353-9184.

Sincerely yours,

William E. Muno Acting Associate Division Director Office of RCRA

Enclosure

cc: Ed Kitchen, OEPA-CO
David Wertz. OEPA-NEDO

occ: Kevin Pierard

5HR:SATTELBERG:bd:08/29/90

UMI.ltr

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United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake, OH 44095 • (216) 946-6100 • FAX (216) 951-3536

April 22, 1991

U.S. Environmental Protection Agency Region V P.O. Box 70753 Chicago, IL 60673

RE: Administrative Order on Consent, Docket No. V-W-90-R-53

Dear Sirs:

Enclosed you will find the payment for \$3,000.00 pursuant to the above-referenced Order. A copy of the letter stipulating payment and the terms agreed upon in the settlement are also enclosed.

If there should be any questions regarding this matter, please contact me at your earliest convenience.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Haynes

Corporate Director of Human Resources

JJH/dml

Encls.

cc: E. Chesko, Director of Operations, UMI-Eastlake

R. Giglio, Vice Chairman, UMI

S. Seigal, Legal Counsel, EPA

D. Petersen, Legal Counsel, UMI

K. Ogle, EPA, RCRA Enforcement Branch, 5HR-12



United Musical Instruments U.S.A., Inc. · 33999 Curtis Blvd. · Eastlake, OH 44094 · (216) 946-6100 · Telex 241113

March 12, 1991

Kimberly A. Ogle RCRA Enforcement Branch, 5HR-12 Waste Management Division US Environmental Protection Agency 230 South Dearborn St. Chicago, IL 60604

RE: Notice of Violation Dispute Resolution OHD004 143 854

Dear Kimberly:



Per Section XVI, (Dispute Resolution), of the Order of Consent, please be notified that United Musical Instruments U.S.A., Inc. ("UMI") wishes to formally and in good faith dispute and resolve the Notice of Violation stamped February 25, 1991 and received by UMI March 1, 1991. This notice states that UMI is obligated to pay the stipulated penalty for the failure to submit the RCRA facility investigation (RFI) Task I, II, and III of the Corrective Action Plan within 90 days of the effective date of the September 26, 1990 Corrective Action Order of Consent. The due date for the submittal was December 24, 1990. We did not submit the RFI Workplan until January 25, 1991.

The course of events that led to a delay of the submittal for the RFI Workplan occurred as follows:

- A) The Order of Consent was officially signed on September 26, 1990 by the USEPA.
- B) October 5, 1990: UMI in receipt of Order of Consent. On that same date, a copy was forwarded to Craig Juday P.E. ("Juday" and/or "P.E."); Resource Engineering and Planning Inc.; 7108 Fairway Drive, Suite 100; Palm Beach Gardens, Florida 33418.
- C) December 4, 1990: Juday notified Edward Chesko ("Chesko"), Director of Operations, UMI-Eastlake, that he had not received Order of Consent. Chesko express mailed another complete copy.
- D) December 14 & 17, 1990: Juday (according to phone log) left message with Kevin Moss to return call regarding RFI Workplan. Juday took ill as of this date, not able to return to work until January 7, 1991.
- E) December 18, 1990 thru January 4, 1991: Chesko left numerous messages with Juday regarding status of RFI Workplan.

Consultant never notified chief of his

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- F) December 19, 1990: Kevin Moss ("Moss"), USEPA Region V, called John J. Haynes ("Haynes"), Corporate Director of Human Resources, UMI, to discuss status of RFI Workplan. Haynes replied that we have been unsuccessful in contacting Juday regarding the status of the RFI Workplan. Moss, during this conversation, also stated that he is leaving the USEPA the second week of January and will be replaced by Kimberly Ogle ("Ogle"), USEPA Region V. Moss would like to complete the Workplan before he leaves. Chesko will continue his effort to contact Juday.
- G) January 7, 1991: Chesko successfully contacted Juday regarding status of RFI Workplan. Juday stated that he was recovering from a serious illness that commenced on December 17, 1990. Chesko made Juday aware of the communications with Moss. Chesko made Juday aware of Moss's concern regarding the Workplan and of his departure from the EPA.

Juday contacted Moss and stated that he was ready to submit the RFI Workplan the following day, but possibly, due to the fact that a new person was succeeding Moss, a more comprehensive Workplan should be gathered, and would request an extension. Moss agreed to this point that a more comprehensive Workplan would be better and stated that an extension would only be considered in writing. Juday agreed to submitting the extension request in writing the following day.

- H) January 8, 1991: Letter as requested officially sent to Kevin Moss requesting an extension of 30 days for the submittal of the required RFI Workplan. This amounts to a modification of Section VI.3, Consent Order, from 90 days to 120 days.
- I) January 22, 1991: Haynes, in receipt of letter by Joseph Boyle, Acting Chief RCRA Enforcement Branch denying the request for extension.

Haynes contacted Ogle concerning the denial of the extension and the penalties as related. Ogle stated that the letter was merely a technicality and not to be concerned regarding the penalty. Juday contacted Ogle in reference to the same topics. Ogle responded in the same fashion.

- J) January 24, 1991: RFI Workplan submitted to the USEPA by express mail.
- K) February 13, 1991: Ogle contacted Haynes confirmed her receipt of the Workplan and requested an extension to April 10, 1991 to review and submit comments. Haynes stated that even though the USEPA did not grant our extension request and the fact that Ogle inferred that no fine would be connected with the rejection of our extension, Haynes agreed to grant her request. Ogle continued to state that the request would formally be made in writing.

L) March 1, 1991: Notice of penalty received by UMI. Is what I told him.

As the above demonstrates, the events that occurred were beyond the control of UMI. Under Section XVII, (Force Majeure and Excusable Delay), the performance was delayed solely by events which constituted a Force Majeure, (defined in the Consent Order as any event arising from cause beyond the control of respondent, including its consultants and contractors, which could not be overcome by due diligence and which delays or prevents performance by a date required by this Consent Order.) The illness, as experienced by Juday, could not be overcome by due diligence. UMI, once aware of the fact that Juday was out ill which caused the delay in making the

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deadline, contacted the USEPA through Juday on January 7, 1991, the same day UMI became aware of the situation, as instructed per #2, Section XVII. UMI, dependent upon the PE, who possessed historical, factual and professional knowledge, could not, itself complete the RFI Workplan. The PE, being the only person qualified and enabled, beyond the control of UMI, requires that the element of time be extended which is mandatory per #3, Section XVII.

Another reason of delay based on the discussions with Kevin Moss was, in fact, caused in part by his departure. It was mutually agreed upon by Moss and Juday that the comprehensiveness of the RFI Workplan is questionable. The submitted Workplan, being very complex, (three inches thick), is a pioneer prototype, that should be modified as it was written, in an effort for Ogle, the successor, to understand the Workplan.

UMI has taken every step in our power to comply and that the net result of this late filing does not result in any prejudice or harm to the environment. From the start in 1982, UMI has always displayed a cooperative spirit as further shown by entering into the Consent Order. It is unfair to penalize us for something out of our control.

Should you still deem it necessary to stipulate penalties, please refer to Section XV (Delay in Performance/Stipulated Penalties) of the Consent Order which states "Stipulated Penalties shall accrue in the following amounts: For failure to comply with any provision of this Consent Order after notice by USEPA of non-compliance, \$1,000.00 per day for the first one (1) to seven (7) days, and \$2,000.00 per day for each day of delay, or part thereof thereafter." As this states, we received the Notice of Violation on January 22, 1991 and the USEPA was in receipt of the RFI Workplan on January 25, 1991, therefore, the penalty charged would be \$3,000.00 (3 x \$1,000) and not the \$57,000.00 as stipulated on your letter dated February 25, 1991.

One last point to be made, and as noted above in letter "K", UMI granted the request for extension by the USEPA in an effort for Ogle to familiarize herself with the situation. This was another effort to show UMI's cooperation regarding this matter, eventhough our request was denied for circumstances beyond the control of UMI.

Again, please consider this request to drop the stipulated penalities. Should you deem it necessary to meet regarding the above dispute, arrangements can be made at your convenience to resolve this problem. Thank you in advance for your involvement regarding this matter.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Haynes

Corporate Director of Human Resources

JJH/dml

cc: E. Chesko, Director of Operations, UMI-Eastlake

- R. Giglio, Vice Chairman, UMI
- S. Seigal, Legal Counsel, EPA
- D. Petersen, Legal Counsel, UMI



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HR-12

JAN 2 8 1991

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Jack Haynes United Musical Instruments 33999 Curtis Boulevard Eastlake, Ohio 44094

Re: Return to Compliance

United Musical Instruments

OHD 004 153 854

Dear Mr. Haynes:

The United States Environmental Protection Agency (U.S. EPA) has received your response to a Notice of Violation dated May 23, 1990. Upon review, your facility was found to be in compliance with land disposal requirements regarding retaining notices and certifications for a period of five (5) years.

If you have any questions regarding this matter, please contact Kim Ogle at (312) 886-1478.

Sincerely yours,

Kevin M. Pierard, Chief

OH/MN Technical Enforcement Section

cc: Paul Anderson, OEPA-NEDO Michael Savage, OEPA-CO

5HR-12

CERTIFIED MAIL: 664 395 887 RETURN RECEIPT REQUESTED

Mr. John J. Haynes Corporate Director of Human Resources United Musical Instruments U.S.A., Inc. 33999 Curtis Boulevard Eastlake. Ohio 44095

RE:

Notice of Violation United Musical Instruments U.S.A., Inc.

OHD 004 143 854

Dear Mr. Haynes:

This letter provides notice to United Musical Instruments U.S.A., Inc., (UMI) of violation of the Administrative Order on Consent (Docket No.: V-W-90-R-53) between UMI and the United States Environmental Protection Agency (U.S. EPA). This violation concerns UMI's failure to submit a RCRA Facility Investigation Workplan, Description of Current Conditions, and Pre-Investigation Evaluation of Corrective Measure Technologies by December 27, 1990, as required by the Consent Order.

On January 8, 1991, U.S. EPA received a request to extend this due date to January 26, 1991, from Resource Engineering and Planning, Inc., on behalf of UMI. This request is denied.

In accordance with Section XV of the Consent Order, stipulated penalties associated with this violation shall continue to accrue until receipt by U.S. EPA of the above-mentioned documents.

If you have any questions regarding this matter, please contact Kevin Pierard at (312) 886-4448.

Sincerely yours,

Joseph M. Boyle, Acting Chief RCRA Enforcement Branch

cc: Michael Savage, OEPA-CO

5HR-12:KP:pb:1/15/91 United.NOV

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.O. Box 1049, 1800 WaterMark Dr. Columbus, Ohio 43266-0149 (614) 644-3020 **Fax** (614) 644-2329

Richard F. Celeste Governor

October 16, 1990

Re: United Musical Instruments
U.S.A., Inc.
OHD004153854
Financial Assurance

John J. Haynes Corporate Director of Human Resources United Musical Instruments U.S.A., Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

Dear Mr. Haynes:

On September 24, 1990 Ohio EPA conducted an annual financial record review of the records on file for the United Musical Instruments U.S.A., Inc. facility referenced above. The facility was evauluated for compliance with the financial assurance requirements for closure care, post-closure care, and liability coverage set forth in Ohio Administrative Code (OAC) rules 3745-66-42 through 3745-66-45 and 3745-66-47.

Review of Ohio EPA's files indicates that United Musical Instruments U.S.A., Inc. has not established and maintained such financial assurance and liability coverage, in violation of OAC rules 3745-66-42, 3745-66-43, and 3745-66-47. In the event that clean closure cannot be achieved, United Musical Instruments U.S.A., Inc. may be subject to the post-closure financial assurance requirements of OAC rules 3745-66-44 and 3745-66-45. The applicability of these rules will be determined upon the completion of closure.

In response to your October 24, 1989 letter regarding the September 29, 1989 financial assurance notice of violation, it is agreed that United Musical Instruments U.S.A., Inc. submitted closure certification documentation to Ohio EPA on September 30, 1987. Because Ohio EPA has not yet accepted this certification as "clean closure" of the hazardous waste units at the facility, United Musical Instruments U.S.A., Inc. remains subject to the OAC rules 3745-66-42, 3745-66-43, and 3745-66-47.

By letter dated October 31, 1990, Ohio EPA informed United Musical Instruments U.S.A., Inc. that two additional groundwater sampling events must be completed (in 12/89 and 6/90) in order to meet the requirements of the approved closure plan. Upon completion of the June, 1990 sampling event and submittal by United Musical Instruments U.S.A., Inc. of a final report, Ohio EPA would evaluate the closure of the units. At the time of the September 24, 1990 financial record review, these closure issues remained unresolved.

Mr. John J. Haynes October 16, 1990 Page Two

If you have any questions, I may be reached at (614)644-2944.

Sincerely,

Carolyn J. Reierson

Hazardous Waste Enforcement Section

Division of Solid and Hazardous Waste Management

Sp.CJR.lan

cc: Laurie Stevenson, DSHWM, CO

Dave Wertz, DSHWM, NEDO

Kevin Moss, U.S. EPA, Region V



OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V



United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake, OH 44094 • (216) 946-6100 • Telex 241113

May 23, 1990



Kevin M. Pierard, Chief Ohio/Minnesota Technical Enforcement Section USEPA Region 5 230 South Dearborn St. Chicago, IL 60604

OFFICE OF RCRA WASTE MANAGEMENT DIVISION EPA, REGION V

RE: Notice of Violation - 1985, 1986, 1987, 1988 Facility Annual Hazardous Waste Reports 0HD004153854

Dear Mr. Pierard:

Per your request, enclosed you will find copies of the above said material. The reports previously have been sent to the Ohio EPA, Division of Solid and Hazardous Waste Management, Data Management Section, P. O. Box 1049, 1800 WaterMark Dr., Columbus, OH 43266-0149, as requested by the letter from Keith Dimoff, Environmental Scientist, Data Management Section, Division of Solid and Hazardous Waste Management, Ohio EPA, P. O. Box 1049, 1800 WaterMark Dr., Columbus, OH 43266-0149; and as requested by the letter from Thomas E. Crepeau, Manager, Data Management Section, Division of Solid and Hazardous Waste Management. The reports have been sent to this address since 1983.

If any other information is needed regarding the above reports, please contact me.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Haynes

Corporate Director of Human Resources

JJH/dml

Encls.

cc: Kay Springer, OEPA-NEDO Debra Berg, OEPA-NEDO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY **REGION 5** 230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HR-12

MAY 0 8 1990

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Jack Haynes United Musical Instruments 33999 Curtis Boulevard Eastlake, Ohio 44094

Re: Notice of Violation

United Musical Instruments

OHD 004 153 854

Dear Mr. Haynes:

On August 29, 1989, the Ohio Environmental Protection Agency (OEPA) representing the United States Environmental Protection Agency (U.S. EPA) conducted an inspection under the Resource Conservation and Recovery Act (RCRA) at the referenced facility. The purpose of the inspection was to determine the compliance status of your facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restrictions.

With respect to the land disposal restriction section of the inspection, the following violation was identified:

Failure to retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced for at least five (5) years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal, as required by 40 CFR 268.7(a)(6).

Please submit to this office within thirty (30) days of receipt of this Notice of Violation, documentation demonstrating that this violation has been corrected and indicating what measures have been initiated to assure future

compliance. Failure to correct this violation may subject your facility to further Federal enforcement action. If you have any questions regarding this correspondence, please contact Kevin Moss at (312) 886-1477.

Sincerely yours,

Kevin M. Pierard, Chief

Ohio/Minnesota Technical Enforcement Section

cc: Debra Berg, OEPA-NEDO Kay Springer, OEPA-NEDO

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31,1989

Page 1 of _

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| 6 | E A S T L A K E | <u> </u> | 11 42 State | ½ ¼ ½ D 9 5 47 S1 Zip Code | 3 4 9 9 Si 58 Primary SIC Code |
| | V. INSTALLATION CONTACT | | | | |
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| | VI.TRANSPORTATION SERVICES USED (list the na were used during the reporting year.) | ame and EPA identification | numbers of a | all hazardous waste tra | ensporters whose services |
| ÷ | Van Waters & Rogers OHD0711791 | | | | |
| Consis | VII. CERTIFICATION | | | | |
| Ĺ | cartify under pensalty of law that I have personally examined and amiliarities with the sponkible for obtaining the information, I believe that the submitted information is truuces bility of fine and imprisonryaget. | information submitted in this and all e, accurate, and complete, I am aw | attached docume are that there are | ints, and that based on my inq significant penalties for submi | uity of those individuals immediately ling false information including the |
| | Thomas T. Burnjek: President | Thrup | J. Buy | eyeli | 2-22-90 |
| | Print/Type Name / Title | Signature of Aut | horized Repre | sentative | Date Signed |

EPA 9019

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

| - | | | | | | For the calend | dar year end | ing Dece | mber 31, | 1989 |
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| FAC | LILITY INFORMATION | Managament of the second of th | | VI | II. GENER | ATOR'S EP | A I.D. NO |). . | - | |
| spec | ify facility to which all wastes on this page | were sent) | | G | <u> lorhidi</u> | 0,0,4,1, | 5131815 | 141 | 2 14 15 | • |
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| XI. F | FACILITY'S ADDRESS | | | • | | | | | | . 17 |
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| Stre | et or P.O. Box | | - | | 77 37 | | | | | |
| 28 | PW CA S T L E vor Town | | | | | 4 0 0 5 Zip Code | | | | ; |
| XII. | WASTE IDENTIFICATION | | | | | | · | | | • • |
| LINE | A. DESCRIPTION OF W. | STE | B.DO HA CL | T ZARD ASS | C. USEPA H WASTE ! (see instr | NUMBER | D. AMOI | UNT OF WA | STE | E, UNIT OF MEASURE |
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XIII. COMMENTS (enter information by section number)

Page ____ of ____

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31,1989

| The information requested herein is required by Rule | es 3745-52-41 as applicable of the Ohio Administrative Code. | |
|--|---|--------------------------|
| REFER TO THE SPECIFIC INSTRUCTIONS CONT | AINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. | |
| Please print/type with elite type (12 characters per inch) | LABEL BELOW IS FOR REFERENCE ONLY; SECTIONS I. THROUGH VII. MUST BE COMPLETED. | 3 |
| I. GENERATOR'S EPA I.D. NUMBER | OHDOO4153854-EPA ID. SIC CODE-3499 UNITED HUSICAL INSTRUMENTS USA, INC. | |
| F [0] H ₁ D ₁ 0 ₁ 0 ₁ 4 ₁ 1 ₅ 1 ₃ 8 ₁ 5 ₁ 4 ₁ 1 ₁ 1 ₄ 1 ₅ | 33999 CURTIS BLVD. EASTLAKE DH 44094 | |
| II. NAME OF INSTALLATION | HAYNES, JUHN J. (216)946-6100 | |
| LUINITITIEIDI IMIUISITICIAILI ITINISIT | TRIUMENTISI IUJSIAI, 1 II NICI, 1 1 | |
| III. INSTALLATION MAILING ADDRESS | | |
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| IV. LOCATION OF INSTALLATION | | |
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| V. INSTALLATION CONTACT | | |
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| VI.TRANSPORTATION SERVICES USED (list the na were used during the reporting year.) | ame and EPA identification numbers of <u>all</u> hazardous waste transporters whose service. | *28 |
| Envirosafe Services of Ohio, Inc. OHD045247905 | | |
| VII. CERTIFICATION | | |
| I cartly under penalty of lew that I have personally examined and amitamiliar with the approxible for obtaining the information, I believe that the submitted information is trupped bitty of time and imprisonment. | Information submitted in this and all attached documents, and that based on my inquiry of those individuals immediate, accurate, and complete. I am aware that there are significant penalties for submitting false information including the | ede l Utra |
| Thomas Burzycki President | | |
| Print/Type Name Title EPA 9019 | Signature of Authorized Pennscentative Date Signature Page 1 of | ed |

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GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1989

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| CILITY INFORMATION | VIII. GENERATOR'S EPA I.D. NO. | | | | | |
| ecify facility to which all wastes on this page were sent) | G 101H1D1010141115131815141 2 | | | | | |
| FACILITY'S EPA I.D.NO. X. FACILITY NAME | | | 12 14 | | | |
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| FACILITY'S ADDRESS | | | | ÷ | | |
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| ity or Town | State | Zip Code | | , is | | |
| I. WASTE IDENTIFICATION | | <u>-</u> | | | | |
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| III. COMMENTS (enter information by section number) | | | | · · | | |

OHIO ENVIRONMENTAL PROTECTION AGENCY

GENERATOR ANNUAL HAZARDOUS WASTE REPOR

For the calendar year ending December 31,1989

Date Signed

Page 1 of

| | The information requested herein is required by Rule | es 3745-52-41 as applicabl | e of the Ohio Adminis | strative Code. | | | | | | |
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| | REFER TO THE SPECIFIC INSTRUCTIONS CONT | AINED IN THIS BOOKLE | T BEFORE COMPLE | TING THIS FORM. | | | | | | |
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| | I. GENERATOR'S EPA I.D. NUMBER | OHDOO4153854-EP UNITED MUSICAL | A ID. SIC | CODE-3499 | | | | | | |
| - | O[H]D[O]O]4]1]5]3]8]5]4] | 33999 CURTIS BL EASTLAKE | ¥ D.₌ | 44094 | | | | | | |
| | II. NAME OF INSTALLATION | HAYNES, JOHN J. | (21 | 6)946-6100 | | | | | | |
| - | UINITITIED MUSTICIAL IINST | IR IU M IE IN IT IS I IU IS | SALI INCLI | 67 | | | | | | |
| • | III. INSTALLATION MAILING ADDRESS | | | e e e e e e e e e e e e e e e e e e e | | | | | | |
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| ***** | IV. LOCATION OF INSTALLATION | | | | | | | | | |
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| Peters | VI.TRANSPORTATION SERVICES USED (list the nativere used during the reporting year.) Van Waters & Rogers OHD07117791 | me and EPA identification number | and the second s | | | | | | | |
| - Continue | VII. CERTIFICATION | | | A STATE OF THE STA | | | | | | |
| ì | Notify under name by of less that I have necessary to accomply a provided and an in- | formation submitted in this and all attached | documents, and that heseed on mu- | DOINN of those built ideals to the second | | | | | | |
| 1 | spone bie for obtaining the information, I believe that the submitted information is true possibility of fine and imprisonment. Thomas Burzycki President | , accurate, and complete. I am sware that the | ere are significant penalties for sub- | ngury of those individuals immediately a_{r} inting false information including the a_{r} | | | | | | |
| • | Print/Type Name / Title | Signature of Authorized | representative | Date Signed | | | | | | |

EPA 9019

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1989

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| AC | CILITY INFORMATION | | | VIII. GENERATOR'S EPA I.D. NO. | | | | | |
| spec | ify facility to which all wastes on this page were sent) | | G | <u>і фініріс</u> | 0 10 14 11 1 | 5 13 18 15 14 1 | 2 | | |
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| XI. F | ACILITY'S ADDRESS | | | | | | | - | |
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| 28 City | or Town | | : | State Z | ip Code | | | | |
| XII. | WASTE IDENTIFICATION | | • | | 1 | · | | ·. - | |
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XIII. COMMENTS (enter information by section number)

Page ____ of ____

GENERATOR ANNUAL HAZARDOUS WASTE REPOR

For the calendar year ending December 31,1989

| • | The information requested herein is required by Rule | es 3745-52-41 as app | plicable of ti | he Ohio Adminis | trative Code. | |
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| | REFER TO THE SPECIFIC INSTRUCTIONS CONT | | | | _ | |
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| | I. GENERATOR'S EPA I.D. NUMBER | 0HD004153854 | 4-EPA II | sic | CDDE-3499 | |
| E | O1H1D1010141115131815141 | UNITED MUSIC | | • | 5A, INC. 44094 | |
| | II. NAME OF INSTALLATION | EASTLAKE HAYNES, JUH | N J.: | | 6)946-6100 | |
| | UINITIEIDI MIUISTICIAILI IIINISIT | IR IU IM IE IN IT IS I | USAI. | INCLI | 67 | |
| | III. INSTALLATION MAILING ADDRESS | • , | | | | |
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| | IV. LOCATION OF INSTALLATION | | • • | | · | |
| 5 | L3131919191 ICIUIRITILISI BELVELI | 111111 | 1111 | 41 3 47 48 County Code | | |
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| | V. INSTALLATION CONTACT | , | | • | • | |
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| | VI.TRANSPORTATION SERVICES USED (list the natwere used during the reporting year.) | me and EPA identification | numbers of <u>a</u> | ∬ hazardous waste t | ransporters whose servi | 29 5 |
| | Van Waters & Rogers OHD07117791 | | | | | |
| Verfices | VII. CERTIFICATION | | | | | No |
| ţ | entity under penalty of lew that I have personally examined and amfamiliar with the is possible for obtaining the information, I believe that the submitted information is true possibility of fine and imprisonment. | nformation submitted in this and all e, accurate, and correlate, I am asso | i attached documents are a s | ts, and that based on my in ignificant penalties for subn | nquiry of those individuals immed nating false information including | letel The |
| | Thomas Burzycki President PrintType Name Title | Signature of Aust | Buzz | jehi | 2-22-90 | |

EPA 9019

Signature of Authorized Representative

Date Signed

Page 1 of_

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1989

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XIII. COMMENTS (enter information by section number)

Page _____ of ___

OniO ENVIRONMENTAL PROTECTION AGENCY

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31,1989

Page 1 of

| ٠. | The information requested herein is required by Rule | es 3745-52-41 as app | licable of th | ne Ohio Administr | ative Code. |
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| | Please print/type with elite type (12 characters per inch) | LABEL BE | LOW IS FO | OR REFERENCE ST BE COMPLE | ONLY; SECTIONS |
| | I. GENERATOR'S EPA I.D. NUMBER | OHD004153854 | -EPA ID | | CODE-3499 |
| E | LOI HI DI 01 01 41 11 51 31 81 51 41 | UNITED MUSIC 33999 CURTIS EASTLAKE | | | 44094 |
| | II. NAME OF INSTALLATION | HAVES. JOHN | J. | (216 | 946-6100 |
| | UN NITEDI IMIUISITICIALI ITINISIT | CIRIUIMIEINITISI | IUISIAI. | 1 HINICA. | 67 |
| - | III. INSTALLATION MAILING ADDRESS | | | | eus timber 12 |
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| 15 | EASTEAKE!!!!!!! | | 0 H 41 42 State | 4 14 10 19 5 47 51 Zip Code | |
| | IV. LOCATION OF INSTALLATION | | | | |
| 5 | 13131919191 ICIUIRITIIISI IBILIVIDI. 1 | 1111111 | 1111 | 47 48 County Code | |
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| | V. INSTALLATION CONTACT | | | · · | |
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| ٠ | VI.TRANSPORTATION SERVICES USED (list the na were used during the reporting year.) | ame and EPA identification | numbers of a | ll hazardous waste tra | ansporters whose services |
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| - | VII. CERTIFICATION | | | | |
| Ļ | certify under pensity of law that I have personally examined and amilamiliar with the sepons ble for obtaining the information, I believe that the submitted information is truposability of fine and imprisoranged. | information submitted in this and all se, accurate, and complete. I am awa | attached document the that there are s | its, and that based on my ind ignificant penalties for submit | ulry of those individuals intradictely ting false information including the |
| | Thomas T. Buryeki President Print/Type Name Title | Thrus | 2/2mz | yeli | 2-22-90 |
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GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1989

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| FACILITY INFORMATION | | | V | II. GENER | ATOR'S EI | PA I.D. NO. | | | |
| (spe | cify facility to which all wastes on this page | were sent) | | G 101H1D1010141115131815141 2 | | | | | |
| IX. | FACILITY'S EPA I.D.NO. | X. FACILITY NAME | | L | | | . IJ | 14 15 |) ************************************ |
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| XI. | FACILITY'S ADDRESS | | | | | | | | 38 |
| | SiTh AiTh Eight IIG HiWiAiYi eetor P.O. Box | 1114161 PI . [O] . 1B C | ΙX | 13 | 8 7 | | <u> </u> | <u> </u> | i |
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| 28 Cit | y or Town | | | | | Zîp Code | as to see we | .j salbit isj | |
| XII. | WASTE IDENTIFICATION | | | | | | | • | - |
| LINE | A. DESCRIPTION OF WA | ASTE | B.DOT HAZ CLA | ARD | C. USEPA H WASTE ! (### instr | | D. AMOUNT C | OF WASTE | E, UNIT OF MEASURE |
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GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31,1989

Page 1 of_

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| • | The information requested herein is required by Rule | es 3745-52-41 as app | olicable of the | Ohio Administra | itive Code. | |
| | REFER TO THE SPECIFIC INSTRUCTIONS CONT | TAINED IN THIS BOO | KLET BEFO | RE COMPLETI | NG THIS FORM. | |
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| | I. GENERATOR'S EPA I.D. NUMBER | DHD004153854 | -EPA ID. | SIC C | ODE-3499 | |
| F | O ₁ H ₁ D ₁ O ₁ O ₁ O ₁ A ₁ I ₁ S ₁ S ₁ S ₁ S ₁ A ₁ 14 15 | 33999 CURTIS | | 0H 4 | | |
| | II. NAME OF INSTALLATION | HAYNES, JOHN | ٧ ا، | (216) | 946-6100 | |
| | U,N,I,T,E,D, M,U,S,I,C,A,L, I,N,S,T | CIR U MENTS | JU S A . , | INCLI | - 1/2 (| |
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| 15 | 16 Name (last and first) | | 45 | 46 Phone No. (area c | ode & no.) | j |
| | VI.TRANSPORTATION SERVICES USED (list the native used during the reporting year.) | ame and EPA identification | numbers of <u>all</u> h | azardous waste tran | sporters whose service | 28 |
| | Envirite Corporation OHD980568992 | | | | | |
| | VII. CERTIFICATION | - Qiranin and Alberta and Albe | | | | استجد |
| ľ. | I cartify under pensity of law that I have personally examined and amfamiliar with the suporable for obtaining the information, I believe that the submitted information is trupossibility of five and imprisonment. | Information submitted in this and all e, accurate, and complete, I am awa | attached documents, a are that there are sign! | and that based on my inquiticant penalities for submitting | y of those individuals knameda ig false information including t | aziely Itwa |
| | Thomas Buraycki President | r Shows | · Durzy | da | 2-22-90 | |
| | Print/Type Name / Title EPA 9019 | Signature of Aut | norized Resignation | tative | Date Sign | ed |

EPA 9019

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

| | | | | Market Principles | For the caler | dar year ending De | cember 31 | i, 1989 — |
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XIII. COMMENTS (enter information by section number)

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31,1989

Page 1 of

| The information requested herein is required by Rule | s 3745-52-41 as applicable | of the Ohio Administra | tive Code. |
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| REFER TO THE SPECIFIC INSTRUCTIONS CONT | AINED IN THIS BOOKLET | BEFORE COMPLETIN | NG THIS FORM. |
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| I. GENERATOR'S EPA I.D. NUMBER | OHDOO4153854-EPA UNITED HUSICAL I | | DDE-3499 , INC. |
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| II. NAME OF INSTALLATION | HAYNES, JOHN J. | (216) | 946-6100 |
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| VI.TRANSPORTATION SERVICES USED (list the na were used during the reporting year.) | me and EPA identification number | rs of <u>all</u> hazardous waste tran | nsporters whose services |
| Envirite Corporation OHD980568992 | | | |
| VII. CERTIFICATION | The state of the s | | |
| certify under pensity of law that I have personally examined and amfamiliar with the seponable for obtaining the information, I believe that the submitted information is truposa bility of fine and imprisonment. | information submitted in this and all attached of e, accurate, and complete. I am aware that the | occuments, and that based on my inquiers are significant penalties for submitted | ity of those individuals immediateling fairs information including the |
| Thomas Burycki President | | vzycki | 2-22-90 |
| Print/Type Name U Title EPA 9019 | Signature of Authorized | Resignative | Date Signed |

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1989

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XIII. COMMENTS (enter information by section number)

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Page ____ of ____

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31,1989

Page 1 of_

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| | The information requested herein is required by Rule | es 3745-52-41 as app | olicable of the | ne Ohio Administr | ative Code. |
| | REFER TO THE SPECIFIC INSTRUCTIONS CONT | | | | • V |
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| | IV. LOCATION OF INSTALLATION | · · · · · · · · · · · · · · · · · · · | | | . |
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| | VI.TRANSPORTATION SERVICES USED (list the na were used during the reporting year.) | me and EPA identification | numbers of a | I hazardous waste tra | ansporters whose services |
| | Envirosafe Services of Ohio, Inc. OHD045247905 | | | | |
| - | VII. CERTIFICATION | | · | | |
| Ĺ | certify under penalty of law that I have personally examined and amfamiliar with the is sponsible for obtaining the information, I believe that the submitted information is true cost bility of fine and imprisonment. | 11 | attached documer are that there are a | as, and that based on my inc ignificant penalties for subme | ulry of those individuals immediately ting faise information including the |
| | Thomas Burzycki President Print/Type Name Title | Thomas | Dug | yelv' | 2.22.90 |
| | EPA 9019 | Organie of Aut | ICHITAG MADIA | entative | Date Signed |

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1989

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Page ____ of ___



United Musical Instruments U.S.A., Inc. • 23 299 Cartis Blvd. • Easuake, OH 44094 • (216) 246-6100 • Telex 241113

November 16, 1989

Keith Dimoff
Environmental Scientist
Data Management Section
Division of Solid and Hazardous Waste Management
Ohio EPA
P. O. Box 1049
1800 WaterMark Dr.
Columbus, OH 43266-0149

RE: 1985, 1986, 1987, 1988 Facility Annual Hazardous Waste Reports 0HD004153854

Dear Mr. Dimoff:

Per your request, enclosed you will find copies of the above said material. The reports previously have been sent to the Ohio EPA, Division of Solid and Hazardous Waste Management, Data Management Section, P. O. Box 1049, 1800 WaterMark Dr., Columbus, OH 43266-0149, as requested by the letter from Thomas E. Crepeau, Manager, Data Management Section, Division of Solid and Hazardous Waste Management. The reports have been sent to this address since 1983.

If any other information is needed regarding the above reports, please contact me.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Haybes

Corporate Director of Human Resources

JJH/dm1

Encls.

cc: Kay Springer, NEDO



State of Ohio Environmental Protection Agency

Northeast District Office 110 E. Aurora Road rwinsburg, Ohio 44087 (216) 425-9171 OCT 1 & 1989

Richard F. Celeste Governor

October 13, 1989

RE: UNITED MUSICAL INSTRUMENTS

OHD 004-153-854

G - LDF

Mr. Jack Haynes United Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Haynes:

Thank you for the courtesies extended to Kevin Moss and me during our inspection on August 29, 1989 to determine your facility's compliance with State and Federal Hazardous Waste Regulations.

During the inspection we noted your facility was in compliance with those regulations applicable to generators of hazardous waste.

You do however remain in violation of OAC 3745-65-75 for never submitting an annual TSD operating report containing all of the operating information required. I have had a form forwarded to you. Please submit a copy to me when it is completed.

A letter requesting the information required (groundwater data) regarding clean closure of your filter beds will be sent to you under separate cover.

I am enclosing the hazardous waste inspection form as well as the U.S. EPA Land Ban Restriction form for your review. The U.S. EPA Land Ban Restriction form will be sent on to U.S. EPA for the appropriate follow up.

If you have any questions, please do not hesitate to call me at (216) 425-9171.

Sincerely,

cc: Debby Berg, DSHWM, NEDO Carolyn Reierson, DSHWM, C.O.

Kay Springer

Environmental Scientist

Division of Solid and Hazardous Waste

Management

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 19-88

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| The information requested herein is required by Ru- Administrative Code. | les 3745-52-41, 3745-54 - 75 and 3745-65- | 75 as applicable of the Ohio |
| REFER TO THE SPECIFIC INSTRUCTIONS CONTAI | NED IN THIS BOOKLET BEFORE CON | APLETING THIS FORM. |
| Please print/type with elite type (12 characters per inch) | LABEL BELOW IS FOR REFERIT. THROUGH VII. MUST BE | |
| I. GENERATOR'S EPA I.D. NUMBER | OHDOO4153854-EPA ID. UNITED MUSICAL INSTRUM 33999 CURTIS BLVD. | SIC CODE-3499 HENTS USA. INC. |
| F ₁ O ₁ H ₁ D ₁ O ₁ O ₁ O ₁ 4 ₁ 1 ₁ 5 ₁ 3 ₁ 8 ₁ 5 ₁ 4 ₁ | EASTLAKE HAYNES, JOHN J. | 0H 44094 (216)946-6100 |
| II. NAME OF INSTALLATION | | • |
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| III. INSTALLATION MAILING ADDRESS | | |
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| Name (last and first) | | (area code & no.) |
| VI. TRANSPORTATION SERVICES USED (list the name during the report givear. | ne and EPA identification numbers of all hazardous waste tra | ansporters whose services were used |
| Envirosafe Services of Ohio, Inc. OHD045247905 | | |
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| VII. CERTIFICATION | | |
| Lectrify under penalty of law that I have personally examined and amits on my inquiry of those individuals immediately responsible for obtaining complete. Lam aware that there are significant penalties for supmitting | ing the information of believe that the submitted information | minimiei accueste and |
| Thomas T. Burzycki President ' | Thouas I Buryorki | 11-14-89 |
| Print/Type Name , Title | Signature of Authorized Representative | Date Signed |

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19 $\frac{Q}{r}$

| FACILITY INFORMATION Specify facility to which all wastes on the page were sents G. [O, H, D, O, O, 4, 1, 5, 3] | 8, 5, 4 | · Z ì |
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| IX. FACILITY'S EPA I.D. X. FACILITY NAME NO. | | Militar magazanasib |
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| XI. FACILITY'S ADDRESS | • | |
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| XIII. COMMENTS tenter information by section numbers | 74 | 33 |
| ATTI. CONTINENT STEER INFORMATION BY SECTION NUMBERS | • | <u> </u> |

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 19-88

| The information requested herein is required by Rules Administrative Code. | 3745-52-41, 3745-54 - 75 and 3745-65-75 | as applicable of the Ohio |
|--|--|---------------------------------------|
| REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED | D IN THIS BOOKLET BEFORE COMPL | ETING THIS FORM. |
| Please print/type with elite type (12 characters per inch) | LABEL BELOW IS FOR REFEREN I. THROUGH VII. MUST BE CO | MPLETED. |
| I. GENERATOR'S EPA I.D. NUMBER | OHDOO4153854-EPA ID. UNITED MUSICAL INSTRUMEN 33999 CURTIS BLVD. | SIC CODE-3499 NTS USA. INC. |
| F ₁ O ₁ H ₁ D ₁ O | HAYNES, JOHN J. | OH 44094 (216)946-6100 |
| II. NAME OF INSTALLATION | | |
| U N I T E D M U S I C A L I N S T R U 30 | MEINTS USA, IINC | <u> </u> |
| III. INSTALLATION MAILING ADDRESS | | |
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| Street or P.O. Box | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | |
| E A S T L A K E ! ! ! ! ! ! ! ! ! ! ! | • | |
| City or Town | State Zip Code | |
| IV. LOCATION OF INSTALLATION | · | - 1 |
| 15 - 13 13 19 19 19 1 C U R T I I S 1 B L V D | 4 3 47 48 County Code | |
| 6: [E A S T L A K E | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | |
| V. INSTALLATION CONTACT | · · | |
| 2 HAYNESS, JOHN JJ. | 1 | 4,6,-,6,1,0,0, |
| Name (last and first) | 45 46 Phone No. (are | 55 |
| VI. TRANSPORTATION SERVICES USED dist the name and during the reporting year. | ed EPA identification numbers of <u>all</u> hazardous waste transp | orters whose services were used |
| Van Waters & Rogers OHD07117791 | | |
| VII. CERTIFICATION |) | |
| Lecrtify under penalty of law that I have personally examined and am tamile on my inquiry of those individuals immediately responsible for obtaining the complete. Lam aware that there are significant penalties for submitting tais. | he information. I believe that the supported information in | true accurate and |
| Thomas T. Burzycki President | Thomas I Busnehi | N-14-89 |
| Print/Type Name Title Sig | nature of Authorized Representative | Date Signed |

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 15 C

| FACILITY INFO | | | | | | DR'S EPA I.D. NO. | 771 | |
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| IX. FACILITY'S EPA I.D. | X. FACILITY NAME | | | | 10 10 10 17 | 1,5,3,8,5,4 | <u> </u> | pingung (|
| K,Y,D,0,5,3,3,4,8,1,0,8, | S_1 A, F, E, T, Y, -, K, L, E | E,N | ىك | E,N,V,I | R; O, S, Y, | S.T.E.M.S | <u>'</u> ' | Ĺ |
| XI. FACILITY'S ADDRESS | | | | | | | | |
| . S.T. A.T.E. H.I.G.H.W.A.Y. | ,1,4,6, ,P,O,B,O | . <u>Х</u> . | , 3. | 8, 7, , | . , , , , | | | ı |
| Street or P.O. Box | | | U* | V / O | , n | | | |
| N, E, W. C, A, S, T, L. E | <u></u> | | | ate Zip (| | • | | |
| XII. WASTE IDENTIFICATION | | | | | | | 1_= | 7 |
| A DESCRIPTION | OF WASTE | B DOI HAZ CLA | ARD | WASTE | HAZARDOUS NUMBER ITUCTIONS | STARIN TO THUOMA C | E UNIT OF | |
| 1 T, R. I,C,H,L,O,R,E,T,H,Y, | | 1 | 2 | 1. 7.0 .1 | F 0.0.1 | 2,7,,1,2,8 | P | |
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| XIII. COMMENTS (enter information b | v section numbers | 7 | 29 | (i 0(| 37 37 45 | 5- | 55 | |
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GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 15-88

The information requested herein is required by Rules 3745-52-41, 3745-54-75 and 3745-65-75 as applicable of the Ohio Administrative Code. REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. LABEL BELOW IS FOR REFERENCE ONLY: SECTIONS I. THROUGH VII. MUST BE COMPLETED. Please print/type with elite type (12 characters per inch) OHD004153854-EPA ID. SIC CODE-3499 UNITED MUSICAL INSTRUMENTS USA. INC. I. GENERATOR'S EPA I.D. NUMBER 33999 CURTIS BLVD. EASTLAKE F₁ O₁H₁D₁O₁O₁O₁4₁1₁5₁3₁8₁5₁4₁ OH 44094 HAYNES, JOHN J. (216)946-6100 II. NAME OF INSTALLATION $\underbrace{ \begin{bmatrix} U_1 N_1 I_1 T_1 E_1 D_1 & M_1 U_1 S_1 I_1 C_1 A_1 L_1 & I_1 N_1 S_1 T_1 R_1 U_1 M_1 E_1 N_1 T_1 S_1 & U_1 S_1 A_1, & I_1 N_1 C_1 . & I$ III. INSTALLATION MAILING ADDRESS IV. LOCATION OF INSTALLATION V. INSTALLATION CONTACT Name (last and first) VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. Envirite Corporation OHD980568992 VII. CERTIFICATION I certify under benalty of law that I have personally examined and am tamiliar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true accurate, and complete. I am aware that there are significant penalties for submitting raise information, including the possibility of time and imprisonment. Thomas T. Burzycki President

Print/Type Name

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 1987

| FACILITY INFO | | | | VIII. C | GENERATO | OR'S EPA | 4 I.D. N | 0. | |
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| specify ractitly to which all wa | ies on the page were sents | | | G OH | D,0,0,4 | 1,5,3 | , 8, 5, 4 | L | <u>-72</u> |
| IX. FACILITY'S EPA I.D. | X. FACILITY NAME | | Į | 1 Edministration (1986) | | | | V. | ч к |
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| XI. FACILITY'S ADDRESS | • | | | · · | | | | | |
| 2, 0, 5.0., C, E, N, T, R.A, L, | A, V, E, ., S, . E | (' | | 1 • 1 | | | | 1 1 | |
| Street or P.O. Box | · | | | | | | | | |
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| City or Town | | | St | ate Zip | Code | | | | |
| XII. WASTE IDENTIFICATION | | | | | | | | | ± <u>₹</u> |
| A. DESCRIPTION | OF WASTE | B DOI | ARD | " WASTE | HAZARDOUS NUMBER Iructions] | MA C | On H1 Ot # | ASTE | E TINIT OF ARANTIKA |
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| XIII. COMMENTS lenter information to | y section humbers | ا د | .7 | j) | | 441 | | [. | \$\$ |
| 8.3 p/gal x 8,298 = 68 | | | 1 | | | | | | |

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GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 11, 19 87

| | The information requested herein is required by Rules 3745-52-4 , 3745-54-75 and 3745-55-75 as applicable of the Ohio Administrative Code. |
|---|--|
| | REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. |
| | Please print/type with elite type (12 characters per inch) |
| | I. GENERATOR'S EPA I.D. NUMBER |
| | T/AC FO H D O O 4 1 5 3 8 5 4 T 1 2 13 14 15 |
| | II. NAME OF INSTALLATION |
| | $ \underbrace{ \begin{bmatrix} U_1 & N_1 & I_1 & T_1 & E_1 & D_1 & M_1 & U_1 & S_1 & I_1 & C_1 & I_1 & N_1 & S_1 & T_1 & R_1 & U_1 & M_1 & E_1 & N_1 & T_1 & S_1 & U_1 & S_1 & A_1, & 1_1 & 1_1 & N_1 & C_1 & . \end{bmatrix} }_{67} $ |
| | III. INSTALLATION MAILING ADDRESS |
| | 3 3 3 9 9 9 C U R T I S B L V D . 45 Street or P.O. Box 2 E A S T L A K E |
| | IV. LOCATION OF INSTALLATION |
| | [5] 3 3 9 9 9 C U R T I S B L V D |
| | |
| | V. INSTALLATION CONTACT |
| | 12 H A Y N E S . J O H N J . |
| | VI. TRANSPORTATION SERVICES USED dist the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. |
| | Envirite Corporation OHD980568992 |
| , | VII. CERTIFICATION |
| - | I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true, accurate, and complete. I am aware that there are significant penalties for submitting talse information, including the possibility of fine and imprisonment. |
| | Thomas Burzycki President Thomas Durgycla 1-28-88 Print Type Name Signature of Authorized Reprisophilive Date Signed |

Action Code.

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19.87

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| FACILITY INFORMATION | | ١ | | | OR'S EPA I | | | | |
| (specify facility to which all wastes on the page were sent) | | ${}_{L}G_{1}^{O}$ | D 0 0 4 | 1 5 3 8 | 5 4 T/A | ic ≀i | | | |
| IX. FACILITY'S EPA I.D. X. FACILITY NAME | | į | 1 2 | | | 13 14 19 | 5 | o de la companya de | - |
| NO. | | | , | | | | | | i |
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| XI. FACILITY'S ADDRESS | | | | | | • | | | |
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| Street or P.O. Box | | | | | | | | | • |
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| City or Town | 5 | tate | /Zip Code | | | | | | |
| XII. WASTE IDENTIFICATION | | | | | Designation of the Laboratory | | | - - - | Ì |
| A. DESCRIPTION OF WASTE | B. DOI HAZ CLA | ZARD | WASTE! | HAZARDOUS NUMBER ructions) | D. AMOL | NT OF WASTE | Ì | CINIT OF MIASUR | |
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| XIII. COMMENTS (enter information by section number) | 28 | (c. | | 34 37 | Market September 1997 | | 54 | 55 | 1 |
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GENERATOR ANNUAL HAZARDOUS WASTE-REPORT

For the calendary ear ending December 31, 19_8

The information requested herein is required by Rules 3745-52-4 $\,$, 3745-54-75 and 3745-55-75 as applicable of the Ohio Administrative Code. REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. Please print/type with elite type (12 characters per inch) I. GENERATOR'S EPA I.D. NUMBER FOHDO 41153854 II. NAME OF INSTALLATION $\frac{[U]_N}{I} \frac{[I]_T}{I} \frac{[E]_D}{I} \frac{[M]_U}{I} \frac{[S]_I}{I} \frac{[C]_A}{I} \frac{[I]_N}{I} \frac{[S]_T}{I} \frac{[U]_M}{I} \frac{[E]_N}{I} \frac{[I]_S}{I} \frac{[U]_S}{I} \frac{[A]_S}{I} \frac{[I]_N}{I} \frac{[C]_S}{I} \frac{[U]_S}{I} \frac{[A]_S}{I} \frac{[A$ III. INSTALLATION MAILING ADDRESS 33339999 | C|U|R|T|I|S| | B|L|V|D|.| | Street or P.O. Box 4 E A S T L A K E Lity or Town State Zip Code IV. LOCATION OF INSTALLATION City or Town V. INSTALLATION CONTACT Name (fast and first) VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. Envirosafe Services of Ohio, Inc. OHD045247905

VII. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of time and imprisonment.

| | Thomas | ·Bur | Z | rcki |
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Preside

Thomas J. Sun zychov Signature of Authorized Representative 1-28-88 Date Signed OF ENVIRONMENTAL PROTECTION AC ACY

Action Code

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19 87

| FACILITY INFORMATION | VIII. GENERA | TOR'S EPA I.D. NO. | | |
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| (specify (acility to which all wastes on the page were sent) | | | T/AC | |
| IX. FACILITY'S EPA I.D. X. FACILITY NAME | | raio Hidioic | 014111513181514[7 2] | Na state of the st |
| NO. | | | | |
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| XI. FACILITY'S ADDRESS | | | | . 37 |
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| 25 | <u> 101H</u> | 14131611161 | | |
| City or Town | State | :/Zip Code | | |
| XII. WASTE IDENTIFICATION | в рот | | | ≥ Z |
| A. DESCRIPTION OF WASTE | HAZARD CLASS | C. USEPA HAZARDOL WASTE NUMBER (see instructions) | D. AMOUNT OF WASTE | LINIT OF |
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| XIII. COMMENTS (enter information by section number) | j 25 79 | | 37 it 46 | 55 |
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GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 19 87

| The information requested herein is required by Rules 3745-52-4, 3745-54-75 and 3745-55-75 as applicable of the Ohi Administrative Code. |
|--|
| REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. |
| Please print/type with elite type (12 characters per inch) |
| I. GENERATOR'S EPA I.D. NUMBER |
| F O H D O O 41 5 3 8 5 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |
| II. NAME OF INSTALLATION |
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| III. INSTALLATION MAILING ADDRESS |
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| 5 16 SI TI LIA K E |
| S 16 41 42 47 51 City or Town State Zip Code |
| IV. LOCATION OF INSTALLATION |
| 15 3 3 9 9 9 1 C U R T I S B L V D |
| E A S T L A K E 1 1 1 1 1 1 1 1 1 |
| V. INSTALLATION CONTACT |
| OHAYNES IOUN I |
| 15 16 45 46 55 |
| Name (last and first) Phone No. (area code & no.) |
| VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of <u>all</u> hazardous waste transporters whose services were used during the reporting year. |
| Van Waters & Rogers OHDO71107791 |
| .VII. CERTIFICATION |
| I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. |
| Thomas Burzycki President Thomas J. Burzycki 1-28-88 |

Signature of Authorized Representative

Print Type Name.

Date Signed

Action Code _____

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19.87

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(specify facility to which all wastes on the page were sent)

VIII. GENERATOR'S EPA I.D. NO.

T/AC

(G₁ O₁ H₁ D₁O₁O₁H₁1, 5, 3, 8, 5, 4; 12)

IX. FACILITY'S EPA I.D. NO.

X. FACILITY NAME

XI. FACILITY'S ADDRESS

K, Y, D, O, 5, 3, 3, 4, 8, 1, 0, 8

Street or P.O. Box

City or Town

State/Zip Code

| Line | A. DESCRIPTION OF WASTE | 8. DO1 HAZ CLA | ARD | C. USEPA HA WASTE NL (see instru | JMBER | D. AMOUNT OF WASTE | I, UNIT OF MEASURI |
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| ΧI | II. COMMENTS (enter information by section number) | 28 | 29 | 30 33 3 35 47 4 | | 46 54 | 55 |

| Action | Code | |
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Date Signed

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 19 86

| The information requested herein is required by Rules 3745-52-41, 3745-54-75 and 3745-65-75 as applicable of the Ohio Administrative Code. |
|--|
| REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. |
| Please print/type with elite type (12 characters per inch) |
| I. GENERATOR'S EPA I.D. NUMBER T/AC |
| F O H D O O 4 1 5 3 8 5 4 1 15 |
| II. NAME OF INSTALLATION |
| UNITED MUSTCAL IINSTRUMENTS USA IINCI. |
| III. INSTALLATION MAILING ADDRESS |
| 3 3 3 9 9 9 C U R T I S B L V D |
| IV. LOCATION OF INSTALLATION |
| $\begin{array}{c ccccccccccccccccccccccccccccccccccc$ |
| 6 E A S T L A K E |
| V. INSTALLATION CONTACT |
| 23H A Y N E S , J O H N J J . 1 1 1 1 1 1 2 11 61 – 9 14 6 1 – 6 1 11 01 01 15 16 45 46 55 Name (last and first) Phone No. (area code & no.) |
| VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of <u>all</u> hazardous waste transporters whose services were used during the reporting year. McKesson Chemical Company |
| OHD071107791 |
| 1. CERTIFICATION |
| I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information in true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. |
| Thomas Burzycki President htmas Bunyche 1-30-87 |

Signature of Authorized Representative

Title

Print/Type Name

Action Code _____

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19 85.

| FACILITY INFO (specify facility to which all was | | | | VIII. G | eneratc | DR'S EPA I.D. NO. 1/AC | |
|---|---------------------------|---------------------|-------------------------------|--|--|---------------------------|-----------------------|
| IX. FACILITY'S EPA I.D. | X. FACILITY NAME | | L | 1 2 | | 13 14 15 | |
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| XI. FACILITY'S ADDRESS | | | | | , | | - |
| 2,0,5,0, C,E,N,T,R,A,L, | A, V, E, ., , S, ., E, ., | <u> </u> | 1. 1 | | | | الللا |
| Street or P.O. Box $ \frac{C_{1}A_{1}N_{1}T_{1}O_{1}N_{1}}{28} $ | | |) _, H ₁ | 4, 4, 7, 0, | 7 | | |
| City or Town | | S | tate | /Zip Code | | | |
| XII. WASTE IDENTIFICATION A. DESCRIPTION | OF WASTE | B. DO HAI CLA | ZARD | WASTE! | HAZARDOUS NUMBER ructions) | D. AMOUNT OF WASTE | E. UNIT OF MEASURE |
| ALKALINE | | 0 | 2 | 1 ₁ 7 ₁ 1 ₁ 9 | D ₁ O ₁ O ₁ 2 | | |
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| | | | | | 1 1 1 | | |
| / | | | | | | | |
| 8 | | | | 1 1 1 | 1 1 1 | | |
| XIII. COMMENTS (enter information t | oy section number) | 28 | 29 | Commence of the Commence of th | 34 37 42 45 | 46 54 | _ 55 |

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 19 86

| The information requested herein is required by Rules 3745-52-41, 3745-54-75 and 3745-65-75 as applicable of the Oh Administrative Code. REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. Please printype with elite type (12 characters per inch) 1. GENERATOR'S EPA I.D. NUMBER TAC LETOH LD 1010 14 11 513 18 15 14 15 15 15 15 15 15 15 15 15 15 15 15 15 | |
|--|--|
| Please print/type with elite type (12 characters per inch) I. CENERATOR'S EPA I.D. NUMBER TAC [F_OH, DOO 41.11.51.31.81.51.4[.13] 13. 14.15 II. NAME OF INSTALLATION U_N, I_T_E_DM_U_S, I_C_A_LJ_N, S, T_R, U_M_E, N, T_SU_S, A, IN, C | The information requested herein is required by Rules 3745-52-41, 3745-54-75 and 3745-65-75 as applicable of the Ol Administrative Code. |
| I. GENERATOR'S EPA I.D. NUMBER TAC (FIO HI DI DI 01 41 L15 13 81 51 44 55 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 13 44 15 14 14 14 14 14 14 14 14 14 14 14 14 14 | REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. |
| TAC F_O | Please print/type with elite type (12 characters per inch) |
| I. NAME OF INSTALLATION U_N_I_I_T_E_D_M_U_S_I_C_A_L_I_N_S_T_R_U_M_E_N_T_S_U_S_A_I_I_N_C_I_S_S_S_S_S_S_S_S_S_S_S_S_S_S_S_S_S_S | |
| HII. INSTALLATION MAILING ADDRESS 33 3 9 9 9 C URTILIS BLUVD 45 Street or P.O. Box 46 Street or P.O. Box 47 E A S T L A K E 16 City or Town 51 3 1 3 1 9 1 9 1 1 C IURITILIS BLUVD 17 16 16 18 16 16 19 17 16 16 19 17 16 16 10 17 16 16 10 18 16 10 18 | (F) O H D O O 4 1 5 3 8 5 4 (7) |
| III. INSTALLATION MAILING ADDRESS 33 3 3 9 9 9 9 C U R T I S B L V D 4 55 Street or P.O. Box 45 Street or P.O. Box 46 ST L A K E 40 9 4 67 State Zip Code IV. LOCATION OF INSTALLATION 55 3 3 9 9 9 9 1 C U R T I S B L V D 4 68 State Zip Code IV. LOCATION OF INSTALLATION 55 3 3 9 9 9 9 1 C U R T I S B L V D 4 69 State Zip Code IV. LOCATION OF INSTALLATION 55 3 3 9 9 9 9 1 C U R T I S B L V D 1 55 16 C C C C C C C C C C C C C C C C C C | II. NAME OF INSTALLATION |
| 33 3 9 9 9 C U R T T S B L V D 45 | |
| 15 16 Street or P.O. Box E A S T L A K E | III. INSTALLATION MAILING ADDRESS |
| State Zip Code Stat | 15 16 45 |
| IV. LOCATION OF INSTALLATION 53 3 9 9 9 C U R T I S B L V D | (E ₁ A ₁ S ₁ T ₁ L ₁ A ₁ K ₁ E ₁ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |
| County Code Code C | |
| 15 16 City or Town State Zip Code V. INSTALLATION CONTACT 2 H A Y N E S , J O H N J O H N J O H N J O H N O Great Code VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. McKesson Chemical Company OHD071107791 11. CERTIFICATION 15 16 16 1 10 10 1 10 10 10 10 10 10 10 10 10 10 | עד ידי כי |
| VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. McKesson Chemical Company OHD071107791 1. CERTIFICATION Lecrtify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inguiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true accurate and | 15 16 41 42 47 51 53 56 |
| Name (last and first) Phone No. (area code & no.) VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. McKesson Chemical Company OHD071107791 11. CERTIFICATION Icertify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information in true, accurate, and | V. INSTALLATION CONTACT |
| VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. McKesson Chemical Company OHD071107791 11. CERTIFICATION I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information in true, accurate, and | |
| McKesson Chemical Company OHD071107791 11. CERTIFICATION Lertify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true accurate, and | Name (last and first) Phone No. (area code & no.) |
| OHD071107791 11. CERTIFICATION I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information in true, accurate, and | VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. |
| 11. CERTIFICATION Licertify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information in true, accurate, and | McKesson Chemical Company |
| I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information in true, accurate, and | OHD071107791 |
| | |

President

Title

Thomas Burzycki

Print/Type Name

Action Code

GENERATOR ANNUAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19,

| FACILITY INFORMATION | VIII. GENERATOR'S EPA I.D. NO. | | | | | |
|---|--|--|--|--|--|--|
| (specify facility to which all wastes on the page were sent) | 1/AC 1G101H1D1010141115131815141121 | | | | | |
| V. FACULTVICEDALD. V. FACULTVALAGE | GOH, DOO 4, 1, 5, 3, 8, 5, 4, 2, 13 14 15 | | | | | |
| X. FACILITY'S EPA I.D. X. FACILITY NAME NO. | | | | | | |
| K, Y, D, O, 5, 3, 3, 4, 8, 1, Q, 8, M, G, K, E, S, Q, N, E, N, V, I 27 28 | $R_1O_1S_1Y_1S_1T_1E_1M_1S_1$ | | | | | |
| (I. FACILITY'S ADDRESS | | | | | | |
| S ₁ T ₁ A ₁ T ₁ E ₁ H ₁ I ₁ G ₁ H ₁ W ₁ A ₁ Y ₁ 1 4 6 1 1 1 1 1 1 1 1 | <u> </u> | | | | | |
| zs treet or P.O. Box | | | | | | |
| · | 14 10 10 15 10 1 | | | | | |
| 28 City or Town State | e/Zip Code | | | | | |
| XII. WASTE IDENTIFICATION | CKE | | | | | |
| A. DESCRIPTION OF WASTE B. DOT HAZARE CLASS | C. USEPA HAZARDOUS WASTE NUMBER (see instructions) D. AMOLNI OF WASTE | | | | | |
| TRICHLORETHYLENE 1 2 | 1, 70 1 F;0,0 1 | | | | | |
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XIII. COMMENTS (enter information by section number)

GENERATOR ANNUAL HAZARDOUS WASTE REPORT

For the calendar year ending December 31, 19 85

| he information requested herein is required by Rules 3745-52-41, 3745-54-75 and 3745-65-75 as applicable of the Ohi Administrative Code. |
|--|
| REFER TO THE SPECIFIC INSTRUCTIONS CONTAINED IN THIS BOOKLET BEFORE COMPLETING THIS FORM. |
| Please print/type with elite type (12 characters per inch) |
| I. GENERATOR'S EPA I.D. NUMBER T/AC F O H D O O 4 1 5 3 8 5 4 1 1 1 1 1 1 1 1 1 |
| II. NAME OF INSTALLATION [Ki Ni Gi Mi Ui Si Ii C A Li I Ni S T R U M E N T S , I N C . |
| III. INSTALLATION MAILING ADDRESS |
| 3 3 9 9 9 C U R T 1 S B L V D |
| IV. LOCATION OF INSTALLATION |
| 15 3 9 9 9 C U R T I S B L V D . |
| 6 E A S T L A K E |
| V. INSTALLATION CONTACT |
| 2 H A Y N E S J J O H N J J 1 1 1 1 1 1 1 1 1 |
| VI. TRANSPORTATION SERVICES USED (list the name and EPA identification numbers of all hazardous waste transporters whose services were used during the reporting year. |
| McKesson Chemical Company |
| OHDO71107791 |
| VII. CERTIFICATION |
| I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information in true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. |
| Thomas Burzycki President Thank I Dulygelle 1-31-86 |
| Print/Type Name Title Signature of Authorized Representative Date Signed |

Action Code ____

GENERATOR ANN JAL HAZARDOUS WASTE REPORT (cont.)

For the calendar year ending December 31, 19 85

| FACILITY INFORMATION (specify facility to which all wastes on the page were sent) | | | Se deservator escuente antique detirance de | OR'S EPA I.D. NO. | N. |
|--|--------|-------------|--|---|-----------------------|
| IX. FACILITY'S EPA I.D. X. FACILITY NAME | | | 1 2 | 4, 1, 5, 3, 8, 5, 4, 2, | |
| NO. | | | | | |
| K, Y, D, O, 5, 3, 3, 4, 8, 1, 0, 8, 27 PM, c, K, E, S, S, O, N, E | N, \ | 1, 1 | R, O, S, Y, S, T, E, M | S | 59 |
| XI. FACILITY'S ADDRESS | N . | | | ECEIVE | |
| LS,T,A,T,E, ,H,I,G,H,W,A,Y, ,1,4,6, , , , , , , , , , , , , , , , , , | | _1_ | | | |
| Street or P.O. Box | 11 | OX 2020 | | MAY 8.3 1953 | Δ. |
| N ₁ E ₁ W ₁ , C ₁ A ₁ S ₁ T ₁ L ₁ E ₁ , , , , , , , , , , , , , , , , , , , | - | | 4,0,0,5,0, | FFICE OF RCA | MOIS |
| City or Town | | tate | /Zip Code | ASTE MANAGEMENT DIVI | |
| XII. WASTE IDENTIFICATION | | | | | E C |
| A. DESCRIPTION OF WASTE | | ZARD ASS | C. USEPA HAZARDOUS WASTE NUMBER (see instructions) | D. AMOUNT OF WASTE | I. UNII OI MEASURI |
| 1 T, R, I, C, H, L, O, R, E, T, H, Y, L, E, N, E, , , , , , | 1 | 2 | 1,7,0,1 ,0,0,1 | V is | |
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| 1, -, 1, -, 1, , T, R, I, C, H, L, O, R, O, E, T, H, A, N, E, , | 1 | 2 | 2,8,3,1 F,0,0,1 | -1 | |
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| VIII. CONTACTORS | 28 | 29 | 30 33 34 37 | 46 54 | 55 |
| XIII. COMMENTS (enter information by section number) | in the | | 38 41 42 45 | CONTRACTOR OF THE PARTY OF THE | |

| RORA INTERIM STATUS IN | ISPECTION FORM |
|---|---------------------------------|
| | |
| Jame: United Musical Instruments | Date of Inspection 3-7-70 |
| Address: 22999 (KATI) bluck | HWFB #: |
| Eastlake, Ohio 44094 | USEPA ID #: OHD 00 4 153 854 |
| County: Lake | Facility Phone #: 216/9946-6100 |
| | 71 |
| Facility Contact: John Haynes (Jack) | Facility Contact Phone#: |
| | Safety Equipment #: |
| Inspector(s)Name(s): Kay Springer Amey | • |
| | until closure complete |
| / | until closure complete |
| STATUS Cond. Ex. SQG SQG Generator_/ Transporter | Treatment Storage Disposal |
| ACTIVITIES unpermitted /- | |
| Garage Type Type Inc. | ineration/Thermal treatment |
| Whete mile Land Freetment LandIll Ground | water monreor |
| Used oil burner Hazardous waste fuel burner/ble | nder |
| | Y/N/NA REMARK # |
| | |
| Does the facility produce "discarded material | s" as defined in |
| 3745-51-02(A)? | |
| Are they: a. Abandoned(disposed; incinerated; accumulat | ed stored. Or |
| treated prior to disposal)? | |
| b.Recycled? | Y DMP System |
| c. Inherently waste-like?(F020,F021,F022,F0 | 23, F026, F028)? |
| 3. If recycled or accumulated, treated or stored | before |
| recycling, is the waste: | <u> </u> |
| a. Used in a manner constituting disposal? | - N |
| b. Burned for energy recovery? | 7 |
| c. Reclaimed? (Refer to Table 1 of 3745-51- | 02) <u> </u> |
| d. Accumulated speculatively? | |
| Is the material recycled by being: a. Used or reused as an ingredient in an in | dustrial process to |
| make a product without prior reclamation | ? <u>N</u> |
| h Head as an effective substitute for comm | ercial products: |
| a Poturned to the original process from WD | ich it was generated |
| without prior reclamation as a substitut | e for a raw material |
| feedstock? | |
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| | | Y THEMA | REMARK B |
|-----|---|------------|---------------------------------------|
| 3. | re Land Disposal Restricted (LDR) wastes generated? If so, complete appropriate LDR checklist. | <u>Y</u> _ | |
| á. | Has the facility submitted a Part A application to Ohio EPA in accordance with OAC 3745-50-40? | <u>N</u> _ | |
| 7. | If yes, is it complete and accurate and does it contain all information specified in OAC 3745-50-41, -42, -43? | NA | · · · · · · · · · · · · · · · · · · · |
| 3. | If not accurate, has a Permit Change Request (PCR) been submitted in accordance with 3745-50-51? If yes, what date was the PCR submitted. | NA | |
| 9. | Is the facility operating in compliance with the terms and conditions of its HWFB permit? | NA | · |
| 10. | Has the facility submitted a Part B? | <u>N</u> _ | |
| 11. | Was advance notice of the inspection given? If so, how far in | Y | 2 weeks |

advance?

REMARKS. GENERAL INFORMATION.

Include list of wastes being generated/managed at the site and a brief description of site activity and waste handling.

gite activity -> Production of brass wind instruments

Degreasing-FOO1 TCE - Van Waters & Rogers
1/1/17/4 Safety Kleen

Desoldering - Alkaline-D002 - Envirite

sludge from treatment - F006 - Envirosafe

System from filter Envirosafe

preas

(once entered) Filter Beds)

Filter Beds are closed - awaiting groundwater data for Dec 89 + June 90

| A.C | 3745-50 33 | Manyadda sacchaamanda (70 can sata 325) | AUTU, A | <u> </u> |
|-----|-------------------------------|--|----------|----------|
| • | Have th | ne wastes generated at this facility been evaluated as ed under 3745-52-11 (262.11)? | <u>Y</u> | - |
| • | Does th | nis facility generate any hazardous wastes that are excluded egulation under 3745-51-04 (261.4)? | Y | |
| • | exclude [3745-6 neutral | ais facility have waste or waste treatment equipment that is ed from regulation because of totally enclosed treatment 55-01] (265.1(c)(9)) or via operation of an elementary Lization unit and/or wastewater treatment unit 65-01] (265.1(c)(10))? | <u>Y</u> | DMP |
| • | or cond | generator classified as a Small Quantity Generator (SQG) litionally exempt SQG? complete appropriate checklist. | И | |
| | Does th | ne generator meet the following requirements with respect to eparation, use and retention of the hazardous waste manifest | : From | 8/29 |
| | a. | All hazardous wastes shipped off-site have been accompanie by a completed manifest using the most recently revised USEPA form 8700-22? | | |
| | ъ. | The manifest form used contains all the information required by 3745-52-20 (262.20) and the minimum number of copies required by 3745-52-22 (262.22)? | Y | |
| | c. | The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with 3745-52-20(C)(D)(E) (262.20)? | Y | |
| | d. | Prepared manifests have been signed by the generator and initial transporter in compliance with 3745-52-23(A)(1&2) (262.23)? | Y | |
| | e. | The generator has complied with manifest exception reporting requirements in 3745-52-42 (262.42(a))? | NA | |
| | £. | Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by 3745-52-40 (262.40)? | Y | |

| | | | Y'M/MA | REMARK # |
|----|----------------------------------|---|------------|-------------|
| i. | Does the generated requirements: | ecor meet the following hazardous waste pre-transpor | = <u>Y</u> | |
| | the wa | to offering hazardous wastes for transport off-site, ste material is packaged, labeled, and marked in ance with applicable DOT regulations [3745-52-30, | Y | |
| | b. Prior each c | 2-31, and 3745-52-32] (262.30, 262.31, 262.32)? to offering hazardous waste for transport off-site, ontainer with a capacity of 110 gallons or less is i with a completed hazardous waste label as required | Y | |
| | c. Prior the ge | 5-52-32 (262.32)? to offering hazardous wastes for transport off-site, nerator meets requirements for properly placarding ering to properly placard for the initial transporte waste material in compliance with 3745-52-33 3)? | | |
| 7. | Does the gener | ator import or export hazardous waste?. | 1 | |
| | If so, requir | are the wastes handled in accordance with the ements of 3745-52-50 (262.50)? | NA | |
| 8. | containers or | or elects to accumulate hazardous waste on-site in tanks for 90 days or less without a hazardous waste llation and operation permit as provided under 2.34), are the following requirements with respect to met: | | · |
| | a. The co | ntainers or tanks are clearly marked with the "Hazardous Waste"? | Y | |
| | b. The da | te that accumulation began is clearly marked on | Y | |
| | c. If the | waste is accumulated in containers, the generator uplying with OAC 3745-66-70 to 3745-66-77? Complete ment of Containers checklist. | WA | |

| đ. | COMT OAC | - Marian | VA_ | |
|-------------------------------|------------------------|---|-----|--|
| e. | If the gene the 37431. | the generator accumulates waste at or hear the point of cration which is under the control of the operator of process generating the waste as allowed by 5-52-34(C) are the following requirements met: Quantities of waste accumulated do not exceed 55 gallons at any time? Quantities of acutely hazardous waste accumulated do not exceed 1 quart at any one time? If the generator is accumulating hazardous waste in accordance with e.1 or e.2, above, has the generator marked the containers with words "Hazardous Waste" or with other words identify the contents of the container and is the generator complying with OAC 3745-66-71, 3745-66-72, 3745-66-73(A), 3745-66-76, and 3745-66-77? If the generator accumulates hazardous wastes in excess of the amounts listed in either e.1 or e.2, above, did | | Did not mans Did not mans Aceum at Aceum at Time |
| | | within three (3) days and mark the container holding the excess accumulation with the date the excess accumulation began accumulating? | | |
| Has the | gen (90) | erator accumulated hazardous wastes in excess of days? | N | |
| Has the Regiona (90) da | l Ad | erator been granted an extension by the Director/ ministrator for accumulation in excess of ninety | V | |
| ~ - 1 | <i>-</i> | erator treated, stored, disposed of, transported or transportation hazardous waste without having obtained entification number from the Administrator as required | N | |

9.

10:

11.

under 3745-52-12 (262.12)?

Does the generator provide a Personnel Training Program in compliance with 3745-65-16(A)(B)(C) (255.16) including instruction in safe equipment operation and emergency procedures, training new employees within 6 months and providing an annual training program refresher course? [3745-52-34(A)(4)] (262.34)

Y videos

Does the generator keep all of the records required by 3745-65-16(D)(E) (265.16) including written job titles, job descriptions and documented employee training records? [3745-52-34(A)(4)] (262.34)

14. Has the generator filed annual reports on or before March 1st of the next calendar year as required by 3745-52-41?

<u>Y</u> ___

Does the generator comply with the applicable requirements for owners or operators of hazardous waste facilities? Complete "Preparedness and Prevention" and "Contingency Plan and Emergency Procedures" checklists.

Y

REMARKS. GENERATOR REQUIREMENTS

DAG 3745-65 CONTINGENCY PLAY AND IMPRGINCY PROCEDURES (40 IFR PART C65 SUBPART D)

| | | <u>X/M/MA</u> | उद्भाववर ह |
|----|---|-------------------------|--|
| 1. | Does the o/o have a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes which contains the following components for the facility? [3745-65-52(A)(3)(C)(D)(E)] (265.52): | | |
| | a. Actions to be taken by personnel in the event of an emergency incident? | <u>T</u> | |
| | b. Arrangements or agreements with local or state | <u>\</u> | |
| | c. Names, addresses and telephone numbers or all persons qualified to act as emergency coordinator? | <u>Y</u> | |
| | d. A list of all emergency equipment including location, physical description and outline of capabilities? | <u>\</u> | |
| • | e. If required due to the actual hazards associated with the waste handled, an evacuation plan for facility personnel? [3745-65-52(F)] (265.52(f))? | <u>Y</u> | |
| 2. | Is a copy of the Contingency Plan and any plan revisions maintaine on-site and has it been submitted to all local and state emergency service authorities that might be required to participate in the execution of the plan? [3745-65-53(A)(B)] (265.53) | <u>N</u> | reeds to Ce sent togle muserey and need to |
| 3. | Is the plan revised in response to rule changes, facility, equipme and personnel changes or failure of the plan? [3745-65-54] (265.54 | ent N | Lee Kirpatrick |
| 4. | Is an emergency coordinator who is familiar with all aspects of since operation and emergency procedures who has the authority to implement all aspects of the Contingency Plan designated at all times (on-since or on-call)? [3745-65-56(A-J)] (265.56) | 10-11 | Dave Jackson |
| 5. | If an emergency situation has occurred, has the emergency coording implemented all or part of the Contingency Plan and taken all of actions and made all of the notifications deemed necessary under 3745-65-56(A-J). (265.56(a-j)) | tor the <u>NA</u> | - Small loading spilt oil dry used Fook dry |
| | - 27 - | | Shop |

CAC 3745-65 PREPAREDNESS AND PREVENTION (40 OFR PART 165 SUBPART C)

| | | ALMAM | <u> </u> |
|----|--|---|----------|
| 2. | Is the facility operated to minimize the possibilty of fire, explosion, or non-planned release of hazardous waste? [3745-65-31] (265.31) Has there been a fire, explosion or non-planned release of waste at the facility? | Y Y - Y | |
| | a. If yes, has the contingency plan been implemented? | ! | |
| 3. | If required due to actual hazards associated with the waste, does the facility have the following equipment: [3745-65-32(A)(B)(C)(D)] (265.32) a. Internal alarm system? b. Access to telephone, radio or other device for summoning emergency assistance? c. Portable fire control equipment? d. Water of adequate volume and pressure via hoses, sprinkler, foamers or sprayers? | Y Y Y Y | |
| 4. | Is all required spill control and decontamination equipment, fire and communications equipment tested and maintained as necessary? [3745-65-33] (265.33) | <u> </u> | |
| 5. | If required due to the actual hazards associated with the waste, do personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled? [3745-65-34] (265.34) | , | |
| 6. | If required due to the actual hazards associated with the waste, is adequate aisle space to allow unobstructed movement of emergency or spill control equipment maintained? [3745-65-35] (265.35) | | |
| 7. | If required due to the actual hazards associated with the waste, has the facility attempted to make appropriate arrangements with local authorities to familiarize them with the possible hazards and the facility layout? [3745-65-37(A)] (265.37(a)) | - | |

Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements, has the refusal been documented. [3745-65-37(3)] (265.37(b))

3.

NA ___

DAC 3745-55 USE AND MANAGEMENT OF CONTAINERS (40 OFR PART C65, SUBPART IN

| | | Y 'M/MA | <u>₹₹₩4₽₹ ÷</u> |
|----|--|--|-----------------|
| 1. | Are hazardous wastes stored in containers which are: a. Closed [3745-66-73(A)] (265.173)? b. In good condition [3745-66-71] (265.171)? c. Compatible with the wastes stored in them [3745-66-72] (265.172)? | \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ | |
| 2. | Are containers stored closed except when it is necessary to add or remove wastes? [3745-56-73(A)] (265.173(a)) | Y | |
| 3. | Are hazardous waste containers stored, handled and opened in a manner which prevents container rupture or leakage? [3745-66-73(B)] (265.173(b)) | <u>Y</u> | |
| 4. | Is the area where containers stored inspected for evidence of leaks or corrosion at least weekly? [3745-66-74] (265.174) [documentation of inspections required under 3745-65-15 for TSDs] | Y | |
| 5. | Are containers holding ignitable or reactive waste located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] (265.176) | Y | |
| 6. | Are containers holding hazardous wastes stored separately from other materials which may interact with the waste in a hazardous manner? [3745-66-77(C)] (265.177(c)) | <u>Y</u> | |

DAC 3745-65-et sec. GENERAL FACILITY STANDARDS (40 OFR Part C65)

| | | | | | 20000 |
|------------|----------|---|---------------|----------|---------|
| | | | ANNAY | REMARK # | |
| | analysis | owner/operator (o/o) have a detailed chemical and physical of the waste material containing all of the informich must be known to properly treat or store the required by 3745-65-13(A)(1) (265.13(a))? | Y | | |
| . | analytic | have a written waste analysis plan which describes all parameters, test methods, sampling methods, frequency and responses to any process changes that ect the character of the waste. [3745-65-13(3)] | <u>NA</u> | Inach | rue |
| - | | Would physical contact with the waste structures or equipment injure unknowing/unauthorized person or livestock entering the facility? [3745-65-14(A)(1)] (265.14(a)(1)) Would disturbance of the waste cause a violation of the hazardous waste regulations? [3745-65-14(A)(2)] (265.14(a)(2)) | $\frac{N}{N}$ | | |
| F BOT | H 3A AND | 3B ARE NO, MARK QUESTIONS 4 AND 5 NOT APPLICABLE. | | | |
| • | | A 24-hour surveillance system, or An artificial or natural barrier and a means to control entry at all times [3745-65-14(B)(2)(a and b)] (265.14(b)(2)) | <u>NA</u> | Had a | a fesce |
| • | | e facility have a sign "Danger-Unauthorized Personnel t" at each entrance to the active portion of the facility other locations as necessary. [3745-65-14(C)] (265.14(c)) | Y | · | |
| i . | a. | Has the o/o developed and followed a comprehensive, | | | |

written inspection plan and documented the inspections, malfunctions and any remedial actions taken in an operating record log which is kept for at least three

years. [3745-65-15] (265.15)

ó.

| | | Z.MANA | 3 <u>54755</u> \$ |
|---------------------------------------|---|--------|-------------------|
| un an | re areas subject to spills (i.e., loading and cloading areas, etc.) inspection daily when in use ad according to other applicable regulations when not use. [3745-65-16(8)(4)] (265.15(b)(4)) | NA | |
| with 3745- ment opera amployees | o provided a Personnel Training Program in compliance 65-16(A)(B)(C) including instruction in safe equipation and emergency response procedures, training new within 6 months and providing an annual training efresher course? (265.16(a)(b)(c)) | Y | |
| including | keep all records required by 3745-65-16(D)(E) written job titles, job descriptions and documented training records? (265.16(d)(e)) | Y | <u> </u> |
| does the f | ole, Reactive or incompatible wastes are handled, facility meet the following requirements? | l w | |
| . 51 | rotection from sources of ignition. hysical separation of incompatible waste materials. No Smoking" or "No Open Flames" signs near areas where | | |

3.

9.

d.

Ignitable or Reactive wastes are handled.
Comingling of waste materials is done in a controlled, safe manner as prescribed by 3745-65-17(B) (265.17(b)

DAG 3745-65 MANIFEST SYSTEM/RECORDS REPORTING (40 DER RART 065, SUBPART E)

1.

j.

NC : THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH ON-SITE AND OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

Y/N/NA REMARK #

| CLIC IO. | llowing information: | |
|----------|---|---------|
| a. | $r_{37/5}=65-73(R)(1)1$ (265.73(b)(1). | JA Suca |
| b. | Common name, EPA Hazardous Waste Identification Number and physical state (solid, liquid, gas) of the waste? | |
| c. | The estimated (or actual) weight, volume or density of the waste material? | |
| d. , | A description of the method(s) used to treat, store or dispose of the waste using the EPA handling codes listed in Table 2 of OAC 3745? (Part 265, Appendix I, Table 2) | |
| e. | The present physical location of each hazardous waste within the facility? | |
| f. | Records of incidents which require implementation of the Contingency Plan? | |
| g.• | FOR DISPOSAL FACILITIES, the location and quantity of each hazardous waste recorded on a map of the facility and cross-references to any pertinent manifest document numbers? [3745-65-73(B)(2)] (265.73(b)(2)) | |
| h. | Records of any waste analyses and trial tests required to be performed? | |
| i. | Records of the inspections required under 3745-65-15 (265.15) (General Inspection Requirements)? | |

Records of any monitoring, testing, or analytical data

required under other Subparts as referenced by

3745-65-73(B)(6);(265.73(b)(6))?

| k. | Records of closure cost estimates and post-closure |
|----|--|
| | (DISPOSAL ONLY) cost estimates required under |
| | OAC 3745-66 (Part 265 Subpart G)? |

| \vee | |
|--------|--|
| Ì | |
| | |

Y'MINA REMARK #

2. Has the o/o submitted an annual (bienniel) Treatment-Storage-Disposal Operating Report (by March 1) containing all of the operating information required under 3745-65-75 (265.75)?

| Υ | | |
|---|---|--|
| | _ | |

NOTE: THE FOLLOWING REQUIREMENTS ARE APPLICABLE ONLY TO OFF-SITE TSDS.

3. Are manifests received by the facility signed and dated?

Is one copy given to the transporter, one copy sent to the generator within 30 days and one copy kept for at least 3 years?

[3745-65-71(A)] (265.71)

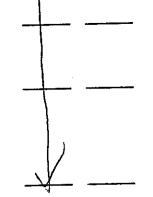
NA ___

If shipping papers are used in lieu of manifests (bulk shipments, etc.), are the same requirements met [3745-65-71(3)] (265.71(b))?

b. Are any significant discrepancies in the manifest, as defined in 3745-65-72(A) (265.72(a)) noted in writing on the manifest document.

Have any manifest discrepancies been reconciled within 15 days as required by 3745-65-72(B) (265.72(b)) or has the o/o submitted the required information to the Director/Regional Administrator?

5. If the facility has accepted any unmanifested hazardous wastes from off-site sources for treatment, storage, or disposal, has an unmanifested waste report containing all the information required by 3745-65-76(A) (265.76) been submitted to the Director/Regional Administrator within 15 days?



DAG 3745-66 BLOSURE AND POST-CLOSURE (40 DTR PARM 065, SUBPARM 9)

| | | | 1/.(31 | <u></u> |
|----|----------|---|----------|---------|
| - | Is a wr: | itten closure plan on file at the facility which s the following elements: [3745-66-12] (265.112)? | <u>Y</u> | |
| | а. | A description of how each hazardous waste management unit will be closed in accordance with 265.111. | | |
| | b. | A description of how final closure will meet the | | |
| | c. | An estimate of the maximum amount of hazardous waste ever | | |
| | d. | A description of steps taken to remove or decontaminate facility equipment containment systems, structures, soils, and all hazardous waste residues. | | |
| | e. | The year closure is expected to begin and a schedule | | |
| | f. | A description of other activities necessary to ensure closure with the performance standards including ground water monitoring, leachate collection, and run-off control. | | |
| 2. | amended | closure plan (and post-closure plan, if applicable) been 60 days prior to any changes in facility design, es, or closure dates or 60 days after an unexpected ccurs which affects the closure plan? [3745-66-12(C)] 2(C)) | <u>Y</u> | |
| 3. | for sur | closure plan (and post-closure plan, if applicable) face impoundment, waste pile, land treatment or landfill seen submitted to the Director/Regional Administrator s prior to beginning the closure process? [3745-66-12(D)] (2(d)) | Y | |
| 4. | for tan | e closure plan (and post-closure plan, if applicable) k, containers storage or incinerator units been submitted Director/Regional Administrator 45 days prior to ng the closure process? [3745-66-12(D)] (265.112(d)) | NA | |

| | | | A (M) MY | इन्प्रदार है |
|---|-----|---|------------|---------------------------------------|
| 5 | | Within 90 days of receipt of the final volume of waste or Director's plan approval, if that is later, was all hazardous waste treated, removed, or disposed in accordance with the approved plan? [3745-66-13(A)] (265.113(a)) | <u>Y</u> | |
| ó | • | Was closure completed in accordance with the approved plan within 180 days after receipt of final volume of waste or approval of the plan, if that is later? [3745-66-13(B)] (265.113(b)) | <u>Y</u> | |
| 7 | | Did the owner/operator submit to the Director/Regional Administrator, within sixty (60) days after completion of closure, certification by both the owner/operator and an independent registered professional engineer that the facility has been closed in accordance with the approved closure plan? [3745-66-15] (265.115) | Y | - CEPA |
| 8 | 3. | Did the owner/operator submit to the local zoning authority and the Director/Regional Administrator a survey plant in accordance with OAC 3745-66-16? | <u>V</u> _ | The OGPA has not certified clea |
| 9 |). | What permitted units at the facility have been closed in accordance with an approved Closure Plan? | NA | |
| : | LO. | If closure was partial, list the regulated units which remain in use at the facility: | | |
| | 11. | If required, has the facility prepared a written post-closure plan? [3745-66-13] (265.118) | + | GW More torug |
| | 12. | Does the post-closure plan include: | Y | |
| | | A description of proposed ground water monitoring? A description of planned maintenance activities? The name, address and phone number of person/office to contact during the post-closure period? 31 - | Ý Y | |
| | | | | |

13. For disposal facilities, has the owner/operator submitted to local land authorities and the Director a survey plat within 60 days after NA certification of closure? [3745-66-19] (265.119)

Not until Certified Clean Closed

14. Has the owner of the property on which a disposal unit is located recorded on the deed that:

a. The land has been used to manage hazardous waste and the type, quantity and location of waste?

b. Land use is restricted pursuant to 3745-66-17? [3745-66-19] (265.119)

NA L

CAC 3745-67 SURFACE IMPOUNDMENTS (40 OFR PART 265 SUBPART N)

| | | A.WANY | <u>REMARK</u> ≱ |
|------------|---|----------------|-----------------|
| | Is at least 2 feet (50 cm) of freeboard maintained in the surface impoundment, or has written certification that the impoundment is dadequate design been prepared? [3745-67-22] (265.222) | | inactive |
| . . | Are earthen structural containment systems equipped with protective cover such as grass, shale or rock to minimize erosion from wind and water. [3745-67-23] (265.223) | ÷ | grass |
| 3. | Is the level of freeboard in the surface impoundment inspected at least once each operating day, the structural containment system is inspected at least once per week and all such inspections are documented. [3745-67-26] (265.226) | n <u>MA</u> | |
| . | Whenever a surface impoundment is used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the surface impoundment, has the facility insured the safety of such changes by: [3745-67-25] (265.225) a. Waste analyses and trial treatment or b. Written documented information on similar treatment of similar waste under similar conditions? | NA + | |
| 5. | With the exception of emergency situations, whenver ignitable or reactive wastes are placed in a surface impoundment has the facility insured the safety of the operation by complying with the following: [3745-67-29 and 3745-65-17] (265.229 and 265.17(b)) a. The waste is immediately treated after placement in the the surface impoundment so that it is no longer hazardous? b. The waste is managed to protect from ignition? c. A certification from a qualified chemist or engineer is maintained at the facility stating that the design/operation of the unit will prevent ignition or reaction? | | |

| | Incompatible materials are not placed in the same surface impoundment unless it is done in compliance with the safety requirements of 3745-65-17 (165.17(b)? [3745-67-30] (265.230) | NA _ | |
|----|---|------------|---|
| | At closure, were all standing liquids, waste residues, liners, and contaminated soil removed from the unit? [3745-67-28](265.228) | <u>Y</u> - | ,, ,, , , , , , , , , , , , , , , , , |
| ١. | Has the owner/operator retrofitted the surface impoundment or ceased receipt of hazardous waste by November 8, 1988? If no, did USEPA grant an exemption prior to that date? | <u>Y</u> | |

IF THE OPERATOR ELECTS NOT TO EXEMPT THE SURFACE IMPOUNDMENT FROM FURTHER REGULATION BY REMOVING ALL WASTE MATERIALS, THE SURFACE IMPOUNDMENT IS SUBJECT TO THE POST-CLOSURE CARE AND GROUND WATER MONITORING REQUIREMENTS SPECIFIED IN 3745-68-10 AND 3745-67-28(C).

Gw monitoring data for metals still required for 2 seasons (Dec + June)

- 44 - to Certify

Minima Remark :

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) | | |
|--|-------------|------------|------------|
| UNITED MUSICAL INSTRUMENTS U. S. A., INC. 33999 CURTIS BOULEVARD |))) | DOCKET NO. | V-W-010-92 |
| EASTLAKE, OHIO 44094 |) | | |
| EPA I.D. No: OHD 004 153 854 | ý | | |

UNITED MUSICAL INSTRUMENT U.S.A., INC.'s RESPONSE TO COMPLAINT

NOW COMES the respondent, UNITED MUSICAL INSTRUMENTS U.S.A., INC., by and through its attorneys, Weil, Freiburg, Thomas & Petersen, P.C., and in response to the complaint, states as follows:

- Respondent admits the allegations in paragraph one (1) of the Findings of Violation.
- 2. Respondent admits that its registered agent is Ed Chesko and its offices are located at 33999 Curtis Boulevard, Eastlake, Ohio, but denies that it is a Ohio corporation, stating affirmatively that it is an Indiana corporation.
- 3. Respondent admits the allegations in paragraph three (3) of the Findings of Violation.
- 4. Respondent admits the allegations in paragraph four (4) in the Findings of Violation.
- 5. Respondent admits the allegations in paragraph five (5) in the Findings of Violation.

- 6. Respondent admits the allegations in paragraph six (6) in the Findings of Violation.
- 7. Respondent denies that it filed a notification of hazardous waste activity, but states affirmatively that, on information and belief, that a predecessor corporation filed said notification.
- 8. Respondent denies that it filed Part A of the permit application with the U.S. EPA pursuant to Section 3005 of RCRA, but states affirmatively that, on information and belief, a predecessor corporation filed said Part A of the permit application.
- 9. Respondent admits the allegations in paragraph nine (9) of the Findings of Violation.
- 10. Respondent denies the allegations of paragraph ten (10) of the Findings of Violation based upon the facts stated in affirmative defense below.

AFFIRMATIVE DEFENSE

11. Respondent states affirmatively that in September, 1990, Kevin Moss, an EPA employee who has been coordinating Respondent's post-closure activities, informed Respondent that its Post-Closure Groundwater Sampling report being prepared by the firm HzW, environmental consultants, would in substance constitute an "equivalency demonstration" under 40 CFR 270.1(c).

- 12. Respondent states further that Kevin Moss informed it that he would organize the report prepared by HzW into a format required under 40 CFR 270.1(C), and that such report should be submitted to him not R. Mark Sattelburg, notwithstanding the U.S. EPA's letter dated September 20, 1990 to Respondent. Kevin Moss further stated that the equivalency demonstration report should also be submitted to the Ohio EPA.
- 13. Respondent, acting in accordance with the oral directions given to it by Kevin Moss, transmitted its equivalency demonstration report, on or about February 27, 1991, to the Ohio EPA, and to Kimberly Ogle, Kevin Moss' successor at the U.S. EPA. (See letter dated February 27, 1991 attached hereto as Exhibit 1).
- 14. Respondent's filing of the equivalency demonstration on or about February 27, 1991 was within the time required by the U.S. EPA in its letter to Respondent, dated September 20, 1990.
- 15. On or about July 2, 1991, Ohio EPA determined that Respondent had achieved clean closure. (See letter dated July 2, 1991 attached hereto as Exhibit 2).
- 16. From February, 1991 until the filing of the complaint in January, 1992 herein, the Respondent was never informed that its equivalency demonstration report was deficient, or did not meet the requirements of 40 CFR 270.1(c).

- 17. Respondent has at all times endeavored to act in the utmost good faith to effectuate proper closure and to file in a timely way all documents required by the Ohio EPA and U.S. EPA.
- 18. Pursuant to the U.S. EPA's RCRA Civil Penalty Policy (October, 1990 ed.), the alleged violation, at best, falls within the minor-minor parameters of the penalty matrix.
- 19. Applying the penalty matrix factors, first, there is little, if any, "potential for harm" because as the Ohio EPA indicated in its July 2, 1991 letter to Respondent clean closure has been accomplished and, therefore, the risk of exposure to the environment and to humans is minimal. The alleged violation in this case falls squarely within the illustration of "minor potential for harm" contained in the Penalty Policy (See RCRA Penalty Policy at 17, par. 3).
- 20. The "extent of deviation from requirement" factor, second, under the facts alleged, falls within the "minor" range. Under the example, (Example 1, RCRA Penalty Policy at 18) contained in the penalty policy, the alleged violation does not even reach the level of that which is considered in the example to be "minor."
- 21. The complaint filed herein, third, does not allege multiple violations of different RCRA requirements, so

- therefore, the "multiple and multi-day penalty" parameter of the penalty policy does not apply to this case.
- 22. The noncompliance alleged in the complaint, fourth, would not confer an "economic benefit" on the Respondent. The Respondent has undertaken, at great expense in time and money, to prepare an "equivalency demonstration" which, based upon Kevin Moss' representations to Respondent, it believed would be sufficient. Furthermore, there is no economic benefit conferred on the Respondent by "delayed costs" since there has been no delay in filing what Respondent in good faith believed to be an equivalency demonstration, as required under RCRA.
- All of the "adjustment factors" indicate the Respondent 23. has acted in good faith, and indicate that any potential penalty under the facts alleged in the complaint fall within the "minor" range. The Respondent over a period of years has undertaken to diligently comply with the requirements as communicated to it by Kevin Moss. groundwater undertaken extensive Respondent has monitoring and other remedial measures to correct RCRA violations on its premises. Furthermore, it was the Respondent's predecessor on the premises which caused the RCRA violations that lead to Respondent undertaking its

closure actions. The "adjustment factors" weigh heavily towards a downward adjustment of a penalty, if any, for the alleged violations.

Respectfully submitted,
UNITED MUSICAL INSTRUMENTS,
U. S. A., INC.

y: Areebez One of its attorneys

Charles P. Fox James P. Freiburg Attorneys for Respondent WEIL, FREIBURG, THOMAS & PETERSEN, P.C. 55 W. Monroe St., Ste. 900 Chicago, IL 60603 (312) 641-3333



EXHIBIT 1

United Musical Instruments U.S.A., Inc. * 33999 Curtis Blvd. * Eastlake, OH 44095 * (216) 946-6106 * FAX (216) 951-3536

February 27, 1991

Jeff Patzke
Ohio EPA
Division of Groundwater
1800 Watermark Dr.
Columbus, OH 43266-0149

FE: Clean Closure Plan

Dear Mr. Patzke:

This report serves notice that United Musical Instruments U.S.A., Inc. has fully complied with the requirements of the Clean Closure Plan as first submitted in January, 1986. As the attached report Indicates, HZW has consolidated the efforts taken by UMI to close the filter beds over the past five years.

We have reviewed the report and agree with its completeness outlining subsequent amendments to include seasonal quarterly groundwater samplings. The results substantiate that the former use of the filter bads did not adversely affect groundwater quality at this facility.

Therefore, we anticipate that the quarterly monitoring will no longer continue, and we respectfully request a Clean Closure Certification. After five long years, we look forward to putting this beaind us, focusing our attention to the manufacturing of musical instruments and our continued responsibility of ensuring a clean environment for the community.

Thanking you in advance for your prompt attention and timely response.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

Robert R. Stone Mfg. Engineer

Solvet R Jose

RRS/dml

Encis.

oc: Kimberly Ogle, USEPA, Region V

Armstrong Woodwinds * Artley Woodwinds * Benge Professional Brass Conn Brasswinds * King Brasswinds * Schert & Roth Stringed Instruments



JUL 08 1991.

EXHIBIT 2

2.O. Box 1049, 1800 WaterMark Dr. Columbus, Ohio 43266-0149 (614) 644-3020 FAX (614) 644-2329

George V. Voinovich Governor

July 2, 1991

United Musical Instruments Re:

US EPA ID No.: OHD004153854

Completion of Closure

United Musical Instruments Attn: Mr. Edward H. Chesko 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Chesko:

According to our records, on August 26, 1986, the Director of Ohio EPA approved a closure plan submitted by United Musical Instruments for the hazardous waste filter beds located at 33999 Curtis Blvd., Eastlake, Ohio 44094. On October 5, 1987, United Musical Instruments submitted to the Director a certification that the hazardous waste filter beds had been closed in accordance with the specifications in the approved closure plan. Ohio EPA District Office personnel completed a certification of closure inspection and a review of documents pertaining to the hazardous waste filter beds on June 7, 1991. Based on this inspection and review, the Ohio EPA has determined that the hazardous waste filter beds have been closed in accordance with the approved closure plan and Rules 3745-66-12 through 3745-66-15 of the Ohio Administrative Code (OAC) and United Musical Instruments will maintain the status of a large quantity generator.

You should continue to use the identification number assigned to you for purposes of compliance with the Ohio EPA manifest, recordkeeping and reporting requirements for large quantity generators of hazardous waste as appropriate.

If you have any questions concerning your current status, please contact Ohio EPA, Northeast District Office, Attn: Karen L. Nesbit, 2110 E. Aurora Rd., Twinsburg, Ohio 44087, tel.: (216) 425-9171.

Please note that you must notify US EPA of your change in status, if you have not already done so. Moreover, this letter does not

United Musical Instruments Completion of Closure Pg. 2

relieve you of any corrective action responsibilities that may be required.

If you have further questions concerning this procedure, call Randy Sheldon, Data Management Section at (614) 644-2977.

Very truly yours,

Manual & Crepeau Thomas E. Crepeau, Manager

Data Management Section

Division of Solid and Hazardous Waste Management

TC/rs

cc: Kevin Pierard, US EPA Region V
Lisa Pierard, US EPA Region V
Hazardous Waste Facility Board
Randy Meyer, RCRA TAS, DSHWM
Laurie Stevenson, HW ES, DSHWM
Karen L. Nesbit, NEDO, DSHWM
File

RCRA LAND DISPOSAL RESTRICTION INSPECTION

| (6) | United Musical Instruments |
|-----------------------------|--|
| Facility: | |
| U.S. EPA I.D. No. : | 33999 Curtis Blut Box48 |
| Street: | |
| City: | Eastlate State: Ohio zip: 44094 |
| Telephone: (| 2(4) 946-6100 |
| Owner/Operator: | Skone Dripens % UMI Corp 1000 Industrial Parkway Elkhart State: Judiena zip: 16515 |
| Street: | 9000 Granstan (455) |
| City: | State: YWW. 21p: 100 |
| Telephone: | (219) 295-0079 |
| Inspection Date: | 5/17/90 Time: 9-AM |
| Weather Conditions: | |
| Inspectors: | Name Katherine Singer Amey OEFF / EET (216)425-9171 |
| Facility Representative: | Jack Hoynes Director of Resources 946-6100 |
| 41 | |
| | Generate Transport Treat Store Dispose |
| F-Solvent | |
| Dioxin | |
| California List | |
| First Third | |
| Second Third | |
| | 1 Revised 10-20-89 |
| | |

(* until SI considered

Clean closed

Foce waste placed into

Surface impoundment prior

INSPECTION SUMARY

Processes That Generate LDR Wastes

TCE degreasing FOOI

plating Food

IDR Waste Management

FOOL > Safety Kleen FOOG > Envirite

somery also was place Impoundments before LDR. Foca, into Surface Impoundments before LDR. prior to closure - Awaiting two more sew monitoring events to certify dear closure

Revised 10-20-89

RCRA LAND DISPOSAL RESTRICTION INSPECTION

WASTE IDENTIFICATION

| 1. | Does | the facility handle the following wastes? |
|----|------|--|
| | a. | F001 through F005 spent solvents |
| | | Yes No _ List* F001 |
| | ъ. | Dioxin-containing Wastes |
| | | Yes No List* |
| | c. | California List Wastes |
| | | Yes No List* |
| | đ. | First and Second Third Wastes |
| | | Yes V No List* <u>F006</u> |
| | | * List wastes if room allows or attach Appendix A. |
| | | Note: Please be aware of potential misclassification of wastes (i.e., California list/"soft hammer"/characteristic waste applicabilities). |
| 2. | Does | s the facility handle the following wastes (national capacity variances)? |
| | a. | F001 - F005 contaminated soil or debris resulting from a CERCIA response action or RCRA corrective action (effective date — 11/08/90). |
| | | Yes No Comments |
| | b. | Dioxin contaminated soil and debris resulting from a CERCIA response action or a RCRA corrective action (effective date — 11/08/90). |
| | | Yes No _ Comments |
| | c. | response action or a RCRA corrective action (effective action) |
| | | Yes No Comments |
| | | |
| | | |

| đ. | First Third wastes with the following waste codes: K048, K049, K050, K051, K052, or K071 (effective date - 08/08/90). |
|----|---|
| | Yes No Comments |
| e. | First Third contaminated soil and debris which have a treatment standard based on incineration - K016, K018, K019, K020, K022, K024, K030, K037, K048-K052, K086, K087, K101, K102, K103, and K104 (effective date — 08/08/90). |
| | Yes No Comments |
| f. | Second Third contaminated soil and debris which have a treatment standard based on incineration — F010, F024, K009, K010, K011, K013, K014, K023, K027, K028, K029, K038, K039, K040, K043, K093, K094, K095, K096, K113, K114, K115, K116, P039, P040, P041, P043, P044, P062, P071, P085, P089, P094, P097, P109, P111, U028, U058, U069, U087, U088, U102, U107, U109, U221, U223, U235 (effective date — 06/08/91). |
| | Yes No \(\sum_{\text{comments}} \) |

RCRA LAND DISPOSAL RESTRICTION INSPECTION

GENERATOR CHECKLIST

CONDRATOR REQUIREMENTS

A.

| Treat | ability Group - Treatment Standards Identification |
|-------|--|
| 1. | F-Solvent Wastes: Does the generator correctly determine the appropriate treatability group of the waste? |
| | Yes No NA _ |
| | If yes, check the appropriate treatability group. |
| | Wastewaters containing solvents (less than or equal to 1% total organic carbon (TOC) by weight) All other spent solvent wastes |
| 2. | First and Second Third Wastes: Does the generator correctly determine the appropriate treatability group of the waste? |
| | Yes No NA |
| | If yes, list the waste code and check the correct treatability group. |
| | Waste Code Wastewater* Non-wastewater |
| | F006 |
| | |
| | |
| | * Less than 1% TOC by weight and less than 1% filterable solids. |
| 3. | California List Wastes: Has the generator correctly identified the required treatment technology [268.42]? |
| | a. For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 50 but less 500 ppm, is the treatment in accordance with existing TSCA thermal treatment regulations for burning in high efficiency boilers (40 CFR 761.60) or incineration (40 CFR 761.70)? |
| | Yes No NA |
| | If yes, specify the method: |
| | 5 Revised 10-20-02 |

| | 1 | b. | For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 500 ppm, is the waste incinerated [40 CFR 761.70] or disposed of by other approved alternate methods [40 CFR 761.60(e)]? |
|----|-----|------------|--|
| | | | Yes No NA |
| | | | If an alternative method is used, specify the method and state whether the facility has received approval from the Regional Administrator or Director, Exposure Evaluation Division, for an exemption from the incineration requirement: |
| | | | |
| | | | |
| | | C. | For hazardous waste that contains halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1,000 mg/L or 1,000 mg/Kg (except dilute HOC wastewater), is the waste incinerated in accordance with existing requirements of 40 CFR Part 264 Subpart 0 or 40 CFR Part 265 Subpart 0? |
| | | | Yes No NA |
| | 4. | Doe sta | s the generator mix restricted wastes with different treatment ndards? |
| | | Vac | No Comments |
| | | Τf | yes, did the generator select the most stringent treatment standards 8.41(b), 268.43(b))? |
| | | Yes | No Comments |
| _ | | 7· | on luci C |
| В. | was | | nalysis |
| | 1. | Do | es the generator determine whether the restricted waste exceeds eatment standards or prohibition levels at the point of generation by: |
| | | _ | Knowledge of waste Yes V No |
| | | | List the wastes for which "applied knowledge" was used and describe the basis of the applied knowledge determination. |
| | | | |
| | | | |

| | | Was all supporting data retained on-site, [268.7(a)(5)]? |
|-----|--------------|--|
| | | Yes No |
| | - | TCLP Yes No NA |
| | | List the wastes for which TCLP was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results. |
| | | |
| | _ | Total constituent analysis Yes No NA _i |
| | | List the wastes for which total constituent analysis was used and provide the date of last test, the frequency of testing, and note any problems. Attach test results. |
| | | |
| | | |
| | - | $pH \le 2$ Yes No NA $\frac{V}{}$ |
| | | List the wastes for which pH testing was used. |
| | - | Paint Filter Liquid Test Yes No NA |
| | | List the wastes for which PFLT was used. |
| 2., | Does trea | the facility dilute the restricted waste as a substitute for adequate atment [268.3]7 |
| | Yes | No NA |
| | | |
| C. | Mana | egement. |
| | 1. | On-Site Management |
| | | Is restricted waste treated, stored for greater than 90 days, or disposed on-site? |
| | | Yes No Comments |
| | | If yes, the TSD Checklist must be completed. |

| Off-S | Site Management |
|-------|--|
| a. | Does the generator ship any waste that exceeds the treatment standards to an off-site treatment or storage facility? |
| | Yes No _ (If no, go to b) |
| | If yes, identify waste code and off-site treatment or storage facilities: |
| | Waste Code Facilities Treat/Store Fool Safety-Kleen Store Fool Envirite Store |
| • | |
| _ | Does the generator provide notification to the treatment or storage facility [268.7(a)(1)]? |
| • | Yes No |
| | Does notification contain the following? |
| | EPA Hazardous waste number(s) Yes / No |
| | Applicable treatment standards Yes No and prohibition levels |
| | Manifest number Yes/No |
| ٠ | Waste analysis data, if available Yes // No |
| b. | Does the facility ship any waste that meets the treatment standards to an off-site disposal facility? |
| | Yes No \(\sqrt{\sqrt{If no, go to c}} \) |
| | If yes, identify waste code and off-site disposal facilities: |
| | Waste CodeFacility |
| • | |
| | |
| | |

| - | Does the facility provide notification and certification to the disposal facility [268.7(a)(2)]? |
|----|---|
| | Yes No |
| - | Does notification contain the following? |
| | EPA Hazardous waste number(s) Yes No |
| | Applicable treatment standards Yes No and prohibition levels |
| | Manifest number Yes No |
| | Waste analysis data, if available Yes No |
| | Certification that the waste meets treatment standards Yes No [wording in 268.7(a)(2)(ii)] |
| c. | Is the waste subject to a nationwide variance, case-by-case extension (268.5), or no migration petition (268.6). |
| | Yes No / (If no, go to d) |
| - | If yes, does the generator provide notification to the off-site receiving facility that the waste is not prohibited from land disposal [268.7(a)(3)]? |
| | Yes No |
| _ | Does the notification contain the following information? |
| | EPA hazardous waste mumber Yes No |
| | The corresponding treatment standards and all applicable prohibitions Yes No |
| | Manifest number Yes No |
| | Waste analysis data, if available Yes No |
| | Date the waste is subject to the prohibitions Yes No rest hammer" |
| a | Does the facility generate any First or Second Third "soft hammer" waste? |
| | Yes _ No _ (If no, go to 4) |
| | 9 Revised 10-20-89 * |

| - | Does the generator provide to receiving facility with each | Surfueir or | | |
|-----|---|-------------------------------|--------------------------|--|
| | (i) EPA hazardous waste n | | | № |
| | (ii) Applicable prohibition [268.33(f), 268.34(h) | •• | | No |
| + | (iii) Manifest number | | , | <i>N</i> o |
| | (iv) Waste analysis data, if available | | Yes 🗸 | No |
| "So | ft Hammer" Demonstrations/Cert | ifications | | |
| a. | Are any "soft hammer" waster ultimate disposal in a land | or treatment fill or surfa | nt residue ace impoun | s destined for dment? |
| | Yes No 1/ | | | _ |
| Þ. | Has the generator attempted recovery facilities that prenvironmental benefit [268. | DATE CLEARING | nd contrac ent that y | t with treatment and rields the greatest |
| | Yes No | · | • | |
| c. | Has the generator submitted Regional Administrator to d available treatment [268.80 | EXCHIRCITE TIME | tion and c efforts to | certification to the locate practically |
| | Yes No | | | |
| - | If yes, did the generator scertification prior to first | submit the do st shipment? | cumentati | on and |
| | Yes No | | | |
| đ. | Does the demonstration con | tain the foll | lowing inf | omation? |
| | A list of facilities and f officials contacted? | acility | Yes | No |
| | Addresses | • | . Yes | No |
| | Telephone numbers | | Yes | No |
| | Contact dates | • | Yes | |
| | Certification statement | - | Yes | No |
| | 1 | 0 | Revised | 10-20-89 |

| | Attach a copy of the demonstration and certification. |
|----------|---|
| e. | If there is no practically available treatment, has the generator included with the demonstration, a written discussion of why the generator was not able to obtain treatment or recovery for that waste $[268.8(a)(2)(i)]$? |
| | Yes No NA |
| | If yes, attach a copy of written discussion. |
| f. | Does the generator ship its "soft hammer" waste off-site for treatment? |
| | Yes No |
| | Describe the type of treatment and treatment facilities: |
| | Waste Code Type of Treatment Treatment Facility |
| | |
| | |
| | · |
| g. | Did the generator send a copy of its demonstration and certification to the receiving facility with the first shipment of waste? |
| | Yes No |
| h. | Does the generator provide certification with each subsequent shipment of wastes to receiving facilities? |
| | Yes No NA |
| | cords Retention |
| Do de | es the facility retain on-site copies of all notifications, monstrations, and certifications for a period of 5 years [268.7(a)(6)]? |
| Ye | s No Comments |
| | · |

| D. | RCRA | Corrective Action and CERCIA Response Action Mades |
|----|------|---|
| | 1. | Has the facility disposed of contaminated soil and debris from a RCRA corrective action or a CERCIA response action in a landfill or surface impoundment? |
| | | Yes No _ Comments |
| | 2. | Did the unit meet the minimum technology requirements (double liner, leachate collection system, and ground-water monitoring)? |
| | | Yes No NA _ Comments |
| E. | Tre | atment Using RCRA 264/265 Exempt Units or Processes |
| | 1. | Is waste treated in RCRA 264/265 exempt units (i.e., boilers, furnaces, distillation units, wastewater treatment tanks, elementary neutralization, etc.)? |
| | | Yes No |
| | | List types of waste treatment units and processes: |
| | | Waste Code Type of Treatment Treatment Units and Processes Type of Treatment Treatment Units and Processes DMP wastewater DMP unit |
| | | |
| | 2. | |
| | | Yes No _ Comments Foo 6 |
| | | If yes, the residues are subject to the LDR generator requirements. |
| | 3. | Are these residuals further treated, stored for greater than 90 days, or disposed on-site? |
| | | Yes No NA Comments |
| | | If yes, the TSD checklist must be completed. |

MAY 0 8 1990

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Jack Haynes United Musical Instruments 33999 Curtis Boulevard Eastlake, Ohio 44094

> Re: Notice of Violation United Musical Instruments OHD 004 153 854

Dear Mr. Haynes:

On August 29, 1989, the Ohio Environmental Protection Agency (OEPA) representing the United States Environmental Protection Agency (U.S. EPA) conducted an inspection under the Resource Conservation and Recovery Act (RCRA) at the referenced facility. The purpose of the inspection was to determine the compliance status of your facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restrictions.

With respect to the land disposal restriction section of the inspection, the following violation was identified:

Failure to retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced for at least five (5) years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal, as required by 40 CFR 268.7(a)(6).

Please submit to this office within thirty (30) days of receipt of this Notice of Violation, documentation demonstrating that this violation has been corrected and indicating what measures have been initiated to assure future

compliance. Failure to correct this violation may subject your facility to further Federal enforcement action. If you have any questions regarding this correspondence, please contact Kevin Moss at (312) 886-1477.

Sincerely yours, ORIGINAL SIGNED BY KEYN M. PIERARD

Kevin M. Pierard, Chief Ohio/Minnesota Technical Enforcement Section

cc: Debra Berg, OEPA-NEDO Kay Springer, OEPA-NEDO

bcc: Lisa Pierard, RPB-OH Francene Harris, REB

5HR-12:FHARRIS/KMOSS:6-2884:5/4/90





State of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road Twinsburg, Ohio 44087-1969 216) 425-9171

FAX (216) 487-0769

MAY 3.

EPANACE OF BOOK

Richard F. Celeste Governor

May 18, 1990

RE: UNITED MUSICAL INSPECTION GRANT COMMITMENT OHD 004-153-854

Jack Haynes United Musical Instruments 33999 Curtis Blvd. Eastlake, OH 44094

Dear Mr. Haynes,

Thank you for the courtesy extended to me during my inspection on May 17, 1990. The purpose of the inspection was to determine the facility's compliance with state hazardous waste regulations. Financial and groundwater requirements were not evaluated as part of this inspection. These requirements will be evaluated separately at another time by OEPA Central Office.

During the inspection I noted the following violations:

- 1. OAC 3745-65-53 (A)(B)
- 2. OAC 3745-65-54

The revised contingency plan should be completed in response to facility changes. In addition, this plan must be maintained on-site and should be submitted to all local and state emergency service authorities.

Please respond to the above violations within thirty days of receipt of this letter with a copy of the contingency plan and receipts from the emergency agencies. Please contact Jeff Patzke DGW-CO regarding 10-31-89 letter from OEPA. Groundwater sampling should be completed in 12-89 and 6-90.

If you have any questions please do not hesitate to contact me at 425-9171.

Sincerely,

Kay Springer Amey () Environmental Scientist

Division of Solid and Hazardous

Waste Management

cc: Carolyn Reierson, DSHWM, CO

Debby Berg, DSHWM, NEDO Jeff Patzke, DGW, CO

Kevin Moss

KAS.ko

5HR-12

MAY 0 8 1990

CERTIFIED MATL RETURN RECEIPT REQUESTED

Mr. Jack Haynes United Musical Instruments 33999 Curtis Boulevard Eastlake, Ohio 44094

> Re: Notice of Violation United Musical Instruments OHD 004 153 854

Dear Mr. Haynes:

On August 29, 1989, the Ohio Environmental Protection Agency (OEPA) representing the United States Environmental Protection Agency (U.S. EPA) conducted an inspection under the Resource Conservation and Recovery Act (RCRA) at the referenced facility. The purpose of the inspection was to determine the compliance status of your facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restrictions.

With respect to the land disposal restriction section of the inspection, the following violation was identified:

Failure to retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced for at least five (5) years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal, as required by 40 CFR 268.7(a)(6).

Please submit to this office within thirty (30) days of receipt of this Notice of Violation, documentation demonstrating that this violation has been corrected and indicating what measures have been initiated to assure future

compliance. Failure to correct this violation may subject your facility to further Federal enforcement action. If you have any questions regarding this correspondence, please contact Kevin Moss at (312) 886-1477.

Sincerely yours,

Kevin M. Pierard, Chief Ohio/Minnesota Technical Enforcement Section

cc: Debra Berg, OEPA-NEDO Kay Springer, OEPA-NEDO

bcc: Lisa Pierard, RPB-OH Francene Harris, REB



State of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road Twinsburg, Ohio 44087 (216) 425-9171

TO. KM

Richard F. Celeste Governor

Novemeber 24, 1989

RE: UNITED MUSICAL

INSTRUMENTS

OHD 004-153-854

Mr. Jack Haynes United Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Haynes:

Thank you for your submittal dated November 16, 1989, which indicates your facility has returned to compliance with those violations cited in my October 13, 1989 letter.

I will be looking forward to receiving a copy of your groundwater data regarding clean closure of your facility's filter beds.

Sincerely,

Kay/Springer

Environmental Scientist

Division of Solid and Hazardous Waste

Management

KS/sp

Debby Berg, DSHWM, NEDO

Carolyn Reierson, DSHWM, Central Office



State of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road Twinsburg, Ohio 44087 (216) 425-9171 Kerin Kerin

Richard F. Celeste Governor ENS!

October 13, 1989

RE: UNITED MUSICAL

INSTRUMENTS

OHD 004-153-854

G - LDF

Mr. Jack Haynes United Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Haynes:

Thank you for the courtesies extended to Kevin Moss and me during our inspection on August 29, 1989 to determine your facility's compliance with State and Federal Hazardous Waste Regulations.

During the inspection we noted your facility was in compliance with those regulations applicable to generators of hazardous waste.

You do however remain in violation of OAC 3745-65-75 for never submitting an annual TSD operating report containing all of the operating information required. I have had a form forwarded to you. Please submit a copy to me when it is completed.

A letter requesting the information required (groundwater data) regarding clean closure of your filter beds will be sent to you under separate cover.

I am enclosing the hazardous waste inspection form as well as the U.S. EPA Land Ban Restriction form for your review. The U.S. EPA Land Ban Restriction form will be sent on to U.S. EPA for the appropriate follow up.

If you have any questions, please do not hesitate to call me at (216) 425-9171.

Sincerely

cc: Debby Berg, DSHWM, NEDO

Carolyn Reierson, DSHWM, C.O.

Kay Springer

Environmental Scientist

Division of Solid and Hazardous Waste

Management

RECEIVED

OCT 17 1989

OHIO EPA DIV OF SOLID & HAZ WASTE MGMT

RCRA INTERIM STATUS INSPECTION FORM

| Α | |
|---|---------------------------------------|
| Facility Name: United Musical Instruments: | |
| | HWFB #: |
| Fastlake, Ohio 44094 | USEPA ID #: 0HD 004 153 854 |
| County: | Facility Phone #: 2/6/946-6/00 |
| Facility Contact: Qack Haynes | Facility Contact Phone#: |
| 0 | Safety Equipment #: |
| Inspector(s)Name(s): Kay Jolingth OEPA-NEDO Klyin Moss USEPA | |
| STATUS | , |
| Cond. Ex. SQG SQG Generator_ Transporter | Treatment Storage Disposal |
| | |
| ACTIVITIES Containers Tanks Surface Impoundments / Incin | eration/Thermal treatment |
| Waste pile Land treatment Landfill Groundwa | ter monitoring |
| Used oil burner Hazardous waste fuel burner/blend | er |
| | |
| | Y/N/NA REMARK # |
| Does the facility produce "discarded materials" | as defined in |
| 3745-51-02(A)? | · · · · · · · · · · · · · · · · · · · |
| 2. Are they: | |
| a. Abandoned (disposed; incinerated; accumulated | , stored, or |
| treated prior to disposal)? | 1 200 |
| b.Recycled? | 1 DMV System |
| c. Inherently waste-like?(F020,F021,F022,F023 | |
| 3. If recycled or accumulated, treated or stored be | eiore |
| recycling, is the waste: | V |
| a. Used in a manner constituting disposal? | |
| b. Burned for energy recovery? | , |
| c. Reclaimed? (Refer to Table 1 of 3745-51-02 |) |
| d. Accumulated speculatively? | <u>N</u> |
| 4. Is the material recycled by being:a. Used or reused as an ingredient in an indu | otrial process to |
| make a product without prior reclamation? | N |
| b. Used as an effective substitute for commercial | cial products? |
| c. Returned to the original process from which | |
| without prior reclamation as a substitute | |
| feedstock? | N |

| | | IININA | ALTIARR F |
|-----|---|----------------|-----------|
| - | Are Land Disposal Restricted (LDR) wastes generated? If so, complete appropriate LDR checklist. | Y | |
| 5. | Has the facility submitted a Part A application to Ohio EPA in accordance with OAC 3745-50-40? | <u>N</u> | |
| 7. | If yes, is it complete and accurate and does it contain all information specified in OAC 3745-50-41, -42, -43? | NA | |
| 3. | If not accurate, has a Permit Change Request (PCR) been submitted in accordance with 3745-50-51? If yes, what date was the PCR submitted. | MA | |
| €. | Is the facility operating in compliance with the terms and conditions of its HWFB permit? | <u>NA</u> | |
| LO. | Has the facility submitted a Part B? | \overline{N} | |
| L1. | Was advance notice of the inspection given? If so, how far in advance? | Y | 3 weeks |

REMARKS. GENERAL INFORMATION.

Include list of wastes being generated/managed at the site and a brief description of site activity and waste handling.

United Musical manufactures brass wind instruments. In this process various wastes are generated:

FOOI degreasing agents TCE { Van 1,1,1 TCA { waters and Rogers Stelly-Kleen } Safely-Kleen }

FOO 6 sludge from pretreatments Servinosofer

system from filter Servinosofer

press -3
Environte

Filter Beds are closed but now a pretreatment System is in place which accepts the took waste which once was placed in the beds

| CAC_3 | 745-52 GZ | NERATOR REQUIREMENTS (40 OFR Part 163) | $\overline{AU/MV}$ | REMARK # |
|------------|-------------------------------|---|--------------------|--------------------------------|
| | | e wastes generated at this facility been evaluated as d under 3745-52-11 (262.11)? | <u>Y</u> | |
| 2. | Does th | is facility generate any hazardous wastes that are excluded gulation under 3745-51-04 (261.4)? | <u>Y</u> | |
| 3. | exclude [3745-6 neutral | is facility have waste or waste treatment equipment that is d from regulation because of totally enclosed treatment 5-01] (265.1(c)(9)) or via operation of an elementary ization unit and/or wastewater treatment unit 5-01] (265.1(c)(10))? | Y | DMP |
| ٠. | or cond | generator classified as a Small Quantity Generator (SQG) itionally exempt SQG? complete appropriate checklist. | N | |
| i . | Does th the pre | e generator meet the following requirements with respect to paration, use and retention of the hazardous waste manifest: | : | |
| | a. | All hazardous wastes shipped off-site have been accompanied by a completed manifest using the most recently revised USEPA form 8700-22? | Y | |
| | ზ. | The manifest form used contains all the information required by 3745-52-20 (262.20) and the minimum number of copies required by 3745-52-22 (262.22)? | Y | |
| | c. | The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with 3745-52-20(C)(D)(E) (262.20)? | <u>Y</u> | Envirosate 83 Van waterst R |
| | d. | Prepared manifests have been signed by the generator and initial transporter in compliance with 3745-52-23(A)(1&2) (262.23)? | Y | |
| | e. | The generator has complied with manifest exception reporting requirements in 3745-52-42 (262.42(a))? | NA | |
| | f. | Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by 3745-52-40 (262.40)? | NA | |

| - | rements: | | |
|---------------------------|---|-----------|-------------------|
| a. | Prior to offering hazardous wastes for transport off-site, the waste material is packaged, labeled, and marked in accordance with applicable DOT regulations [3745-52-30, 3745-52-31, and 3745-52-32] (262.30, 262.31, 262.32)? | Y | |
| b. | Prior to offering hazardous waste for transport off-site, each container with a capacity of 110 gallons or less is affixed with a completed hazardous waste label as required by 3745-52-32 (262.32)? | Y | |
| c. | Prior to offering hazardous wastes for transport off-site, the generator meets requirements for properly placarding or offering to properly placard for the initial transporter of the waste material in compliance with 3745-52-33 (262.33)? | <u>Y_</u> | |
| Does 1 | the generator import or export hazardous waste? | 7 | - |
| | If so, are the wastes handled in accordance with the requirements of 3745-52-50 (262.50)? | NA | |
| conta: facil: 3745- | e generator elects to accumulate hazardous waste on-site in iners or tanks for 90 days or less without a hazardous waste ity installation and operation permit as provided under 52-34 (262.34), are the following requirements with respect to accumulation met: | | |
| а. | The containers or tanks are clearly marked with the words "Hazardous Waste"? | Y | |
| ъ. | The date that accumulation began is clearly marked on each container? | <u> </u> | |
| c. | If the waste is accumulated in containers, the generator is complying with OAC 3745-66-70 to 3745-66-77? Complete | _ | |

7.

8.

| | | 7/3/3A | SEATON F |
|--------------------------------|--|----------|----------|
| d. e. | If the waste is accumulated in tanks, the generator is complying with OAC 3745-66-90, to 3745-66-992 except OAC 3745-66-97(C) and 3745-66-991? Complete Storage and Treatment in Tanks checklist. If the generator accumulates waste at or near the point of | NA | |
| | generation which is under the control of the operator of the process generating the waste as allowed by 3745-52-34(C) are the following requirements met: 1. Quantities of waste accumulated do not exceed 55 gallons at any time? 2. Quantities of acutely hazardous waste accumulated do not exceed 1 quart at any one time? | NA NA | |
| | If the generator is accumulating hazardous waste in accordance with e.l or e.2, above, has the generator marked the containers with words "Hazardous Waste" or with other words identify the contents of the container and is the generator complying with OAC 3745-66-71, 3745-66-72, 3745-66-73(A), 3745-66-76, and 3745-66-77? If the generator accumulates hazardous wastes in excess of the amounts listed in either e.l or e.2, above, did the generator comply with 3745-52-34(A) (262.34(a)) within three (3) days and mark the container holding the excess accumulation with the date the excess accumulation began accumulating? | NA S | |
| Has the | generator accumulated hazardous wastes in excess of (90) days? | <u>N</u> | |
| Has the Regiona (90) day | generator been granted an extension by the Director/ l Administrator for accumulation in excess of ninety ys? | MA | |
| offered a USEPA | generator treated, stored, disposed of, transported or for transportation hazardous waste without having obtained identification number from the Administrator as required | N | |

9.

10.

11.

under 3745-52-12 (262.12)?

Does the generator provide a Personnel Training Program in compliance with 3745-65-16(A)(B)(C) (265.16) including instruction in safe equipment operation and emergency procedures, training new employees within 6 months and providing an annual training program refresher course? [3745-52-34(A)(4)] (262.34)

Y Sp 1, 1988

13. Does the generator keep all of the records required by 3745-65-16(D)(E) (265.16) including written job titles, job descriptions and documented employee training records? [3745-52-34(A)(4)] (262.34)

<u>Y</u>

14. Has the generator filed annual reports on or before March 1st of the next calendar year as required by 3745-52-41?

<u>Y</u>___

Does the generator comply with the applicable requirements for owners or operators of hazardous waste facilities? Complete "Preparedness and Prevention" and "Contingency Plan and Emergency Procedures" checklists.

REMARKS, GENERATOR REQUIREMENTS

OAC 3745-65 CONTINGENCY PLAN AND EMERGENCY PROCEDURES (40 OFR PART 265 SUBPART D)

| | | $\overline{\Lambda \setminus A \setminus A V}$ | 3=345£ \$ |
|----|--|--|--------------|
| L. | Does the o/o have a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes which contains the following components for the facility? [3745-65-52(A)(B)(C)(D)(E)] (265.52): | | |
| | a. Actions to be taken by personnel in the event of an | Y | |
| | emergency incident? b. Arrangements or agreements with local or state emergency authorities? | Y | |
| | c. Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator? | Y | |
| | d. A list of all emergency equipment including location, physical description and outline of capabilities? | Y | |
| | e. If required due to the actual hazards associated with the waste handled, an evacuation plan for facility personnel? [3745-65-52(F)] (265.52(f))? | Y | |
| 2. | Is a copy of the Contingency Plan and any plan revisions maintain on-site and has it been submitted to all local and state emergence service authorities that might be required to participate in the execution of the plan? [3745-65-53(A)(B)] (265.53) | ed y | al Zakck |
| 3. | Is the plan revised in response to rule changes, facility, equipm and personnel changes or failure of the plan? [3745-65-54] (265.5 | ient Y | (yes, Seg.) |
| 4. | Is an emergency coordinator who is familiar with all aspects of soperation and emergency procedures who has the authority to imple all aspects of the Contingency Plan designated at all times (on-sor on-call)? [3745-65-56(A-J)] (265.56) | menc | |
| 5. | If an emergency situation has occurred, has the emergency coordining implemented all or part of the Contingency Plan and taken all of actions and made all of the notifications deemed necessary under | the | |

3745-65-56(A-J). (265.56(a-j))

OAC 3745-65 PREPAREDNESS AND PREVENTION (40 CFR PART 265 SUBPART C)

| | · | Y/N/NA | REMARK # |
|----|--|--------------|-------------------------------|
| 1. | Is the facility operated to minimize the possibilty of fire, explosion, or non-planned release of hazardous waste? [3745-65-31] (265.31) | Y | (Not Hw) Fire |
| 2. | Has there been a fire, explosion or non-planned release of waste at the facility? a. If yes, has the contingency plan been implemented? | ^ | (1983) 6/8 1983 Harro |
| 3. | If required due to actual hazards associated with the waste, does the facility have the following equipment: [3745-65-32(A)(B)(C)(D)] (265.32) a. Internal alarm system? b. Access to telephone, radio or other device for summoning emergency assistance? c. Portable fire control equipment? d. Water of adequate volume and pressure via hoses, sprinkler, foamers or sprayers? | Y Y Y | |
| 4. | Is all required spill control and decontamination equipment, fire and communications equipment tested and maintained as necessary? [3745-65-33] (265.33) | <u> </u> | Required by Susummer Mutuli |
| 5. | If required due to the actual hazards associated with the waste, do personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled? [3745-65-34] (265.34) | <u>Y</u> | |
| 6. | If required due to the actual hazards associated with the waste, is adequate aisle space to allow unobstructed movement of emergency or spill control equipment maintained? [3745-65-35] (265.35) | Y | |
| 7. | If required due to the actual hazards associated with the waste, has the facility attempted to make appropriate arrangements with local authorities to familiarize them with the possible hazards and the facility layout? [3745-65-37(A)] (265.37(a)) | Y | |

Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements, has the refusal been documented. [3745-65-37(B)] (265.37(b))

NA ___

CAC 3745-56 USE AND MANAGEMENT OF CONTAINERS (40 OFR PART 165, SUBPART IN

| | | A , N \ NY | REMARK ≠ |
|------------|--|------------|--------------|
| <u>l</u> . | Are hazardous wastes stored in containers which are: a. Closed [3745-66-73(A)] (265.173)? b. In good condition [3745-66-71] (265.171)? c. Compatible with the wastes stored in them [3745-66-72] (265.172)? | Y Y | |
| 2. | Are containers stored closed except when it is necessary to add or remove wastes? [3745-66-73(A)] (265.173(a)) | Y | to dein from |
| 3. | Are hazardous waste containers stored, handled and opened in a manner which prevents container rupture or leakage? [3745-66-73(B)] (265.173(b)) | <u>Y</u> | |
| 4. | Is the area where containers stored inspected for evidence of leaks or corrosion at least weekly? [3745-66-74] (265.174) [documentation of inspections required under 3745-65-15 for TSDs] | Y | |
| 5. | Are containers holding ignitable or reactive waste located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] (265.176) | <u>Y</u> | · |
| б. | Are containers holding hazardous wastes stored separately from other materials which may interact with the waste in a hazardous manner? [3745-66-77(C)] (265.177(C)) | 4 | - |

| | | | Fo | E itted |
|---------------|--------------------|---|--------------------|---|
| <u>DAC_37</u> | 45-65-et | sec. GENERAL FACILITY STANDARDS (40 OFR Part 265, SUBPART 3 | $\frac{1}{2}$ um | our face |
| | | | Y/N/NA | REMARK # Downt |
| 1. | analysis mation | e owner/operator (o/o) have a detailed chemical and physical s of the waste material containing all of the inforwhich must be known to properly treat or store the s required by 3745-65-13(A)(1) (265.13(a))? | Y | surface Surface REMARE + downt empoundment |
| 2. | analytic testing | o have a written waste analysis plan which describes cal parameters, test methods, sampling methods, frequency and responses to any process changes that ect the character of the waste. [3745-65-13(B)] | NA | Not active |
| 3. | a. b. | Would physical contact with the waste structures or equipment injure unknowing/unauthorized person or livestock entering the facility? [3745-65-14(A)(1)] (265.14(a)(1)) Would disturbance of the waste cause a violation of the hazardous waste regulations? [3745-65-14(A)(2)] (265.14(a)(2)) | <u>N</u> | |
| IF BOT | H 3A AND | 3B ARE NO, MARK QUESTIONS 4 AND 5 NOT APPLICABLE. | | |
| 4. | Does the | e facility have - | | |
| | a. b. | A 24-hour surveillance system, or An artificial or natural barrier and a means to control entry at all times [3745-65-14(B)(2)(a and b)] (265.14(b)(2)) | NA. | Had a fence when SI open |
| 5. | Keep Out | e facility have a sign "Danger-Unauthorized Personnel t" at each entrance to the active portion of the facility other locations as necessary. [3745-65-14(C)] (265.14(C)) | Y | |
| 6. | a. | Has the o/o developed and followed a comprehensive, written inspection plan and documented the inspections, malfunctions and any remedial actions taken in an operating record log which is kept for at least three years. [3745-65-15] (265.15) | <u>NA</u> | |

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|----------------------------|--|----------|----------|
| b. | Are areas subject to spills (i.e., loading and unloading areas, etc.) inspection daily when in use and according to other applicable regulations when not in use. [3745-65-16(B)(4)] (265.15(b)(4)) | NA | |
| with 374 ment ope employee | o/o provided a Personnel Training Program in compliance 45-65-16(A)(B)(C) including instruction in safe equiperation and emergency response procedures, training new es within 6 months and providing an annual training refresher course? (265.16(a)(b)(c)) | Y | |
| includia | o keep all records required by 3745-65-16(D)(E) ng written job titles, job descriptions and documented e training records? (265.16(d)(e)) | <u>Y</u> | |
| does the | table, Reactive or incompatible wastes are handled, e facility meet the following requirements? 5-17] (265.17) | | |
| a. b. c. d. | Protection from sources of ignition. Physical separation of incompatible waste materials. "No Smoking" or "No Open Flames" signs near areas where Ignitable or Reactive wastes are handled. Comingling of waste materials is done in a controlled, safe manner as prescribed by 3745-65-17(B) (265.17(b) | NA | |

7.

8.

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THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH ON-SITE AND OFF-SITE TREATMENT, Not STORAGE AND DISPOSAL FACILITIES.

Does the o/o maintain a written operating record at the 1. facility as required by 3745-65-73(A) (265.73) which contains the following information:

| a. | Description and quantity of each hazardous waste treated, stored or disposed of within the facility and the date and method pertinent to such treatment, storage or disposal? [3745-65-73(B)(1)] (265.73(b)(1). | NA | see closure <u>Plan description</u> |
|----|---|----|--|
| b. | Common name, EPA Hazardous Waste Identification Number and physical state (solid, liquid, gas) of the waste? | | |
| c. | The estimated (or actual) weight, volume or density of the waste material? | | |
| d. | A description of the method(s) used to treat, store or dispose of the waste using the EPA handling codes listed in Table 2 of OAC 3745? (Part 265, Appendix I, Table 2) | | |
| e. | The present physical location of each hazardous waste within the facility? | | |
| f. | Records of incidents which require implementation of the Contingency Plan? | | |
| g. | FOR DISPOSAL FACILITIES, the location and quantity of each hazardous waste recorded on a map of the facility and cross-references to any pertinent manifest document numbers? [3745-65-73(B)(2)] (265.73(b)(2)) | | |
| h. | Records of any waste analyses and trial tests required to be performed? | | |
| i. | Records of the inspections required under 3745-65-15 (265.15) (General Inspection Requirements)? | | |
| j. | Records of any monitoring, testing, or analytical data required under other Subparts as referenced by | | |

CAC 3745-55 CLOSURE AND POST-GLOSURE (40 CFR PART 255, SUBPART G)

| | | • | <u> </u> | <u> </u> |
|----|--------------------|--|------------|----------|
| 1. | | ritten closure plan on file at the facility which is the following elements: [3745-66-12] (265.112)? | Y | |
| | a. | A description of how each hazardous waste management unit will be closed in accordance with 265.111. | Y | , |
| | ъ. | A description of how final closure will meet the requirements of 3745-66-11 (265.111). | 4 | |
| | c. | An estimate of the maximum amount of hazardous waste ever in inventory. | L | |
| | d. | A description of steps taken to remove or decontaminate facility equipment containment systems, structures, soils, and all hazardous waste residues. | <u>Y</u> | |
| | е. | The year closure is expected to begin and a schedule for the various phases of closure. | <u>Y</u> _ | |
| | f. | A description of other activities necessary to ensure closure with the performance standards including ground water monitoring, leachate collection, and run-off control. | Y | |
| 2. | amended process | closure plan (and post-closure plan, if applicable) been 60 days prior to any changes in facility design, ses, or closure dates or 60 days after an unexpected occurs which affects the closure plan? [3745-66-12(C)] | <u>Y</u> | |
| 3. | for sur units b | closure plan (and post-closure plan, if applicable) face impoundment, waste pile, land treatment or landfill been submitted to the Director/Regional Administrator rs prior to beginning the closure process? [3745-66-12(D)] .2(d)) | Y | 12/85 |
| 4. | for tan | closure plan (and post-closure plan, if applicable) k, containers storage or incinerator units been submitted Director/Regional Administrator 45 days prior to ng the closure process? [3745-66-12(D)] (265.112(d)) | NA | |

| | | <u> 2/N/MA</u> | REMARK # |
|-------|--|----------------|----------|
| | k. Records of closure cost estimates and post-closure (DISPOSAL ONLY) cost estimates required under OAC 3745-66 (Part 253 Subpart G)? | <u>Y</u> | |
| 2. | Has the o/o submitted an annual (bienniel) Treatment-Storage- Disposal Operating Report (by March 1) containing all of the operating information required under 3745-65-75 (265.75)? | <u>N</u> | |
| NOTE: | THE FOLLOWING REQUIREMENTS ARE APPLICABLE ONLY TO OFF-SITE TSDS. | . (4) | |
| 3. | Are manifests received by the facility signed and dated? Is one copy given to the transporter, one copy sent to the generator within 30 days and one copy kept for at least 3 years? [3745-65-71(A)] (265.71) | <u>NA</u> | |
| | a. If shipping papers are used in lieu of manifests (bulk shipments, etc.), are the same requirements met [3745-65-71(B)] (265.71(b))? | | |
| | b. Are any significant discrepancies in the manifest, as defined in 3745-65-72(A) (265.72(a)) noted in writing on the manifest document. | | |
| 4. | Have any manifest discrepancies been reconciled within 15 days as required by 3745-65-72(B) (265.72(b)) or has the o/o submitted the required information to the Director/Regional Administrator? | | |
| 5. | If the facility has accepted any unmanifested hazardous wastes from off-site sources for treatment, storage, or disposal, has an unmanifested waste report containing all the information required by 3745-65-76(A) (265.76) been submitted to the Director/Regional Administrator within 15 days? | | |

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|-----|---|----------|-------|
| Ē. | Within 90 days of receipt of the final volume of waste or Director's plan approval, if that is later, was all hazardous waste treated, removed, or disposed in accordance with the approved plan? [3745-66-13(A)] (265.113(a)) | <u>Y</u> | |
| 6. | Was closure completed in accordance with the approved plan within 180 days after receipt of final volume of waste or approval of the plan, if that is later? [3745-66-13(B)] (265.113(b)) | Y | |
| 7. | Did the owner/operator submit to the Director/Regional Administrator, within sixty (60) days after completion of closure, certification by both the owner/operator and an independent registered professional engineer that the facility has been closed in accordance with the approved closure plan? [3745-66-15] (265.115) | <u>Y</u> | |
| 8. | Did the owner/operator submit to the local zoning authority and the Director/Regional Administrator a survey plant in accordance with OAC 3745-66-16? | NA | clean |
| 9. | What permitted units at the facility have been closed in accordance with an approved Closure Plan? If closure was partial, list the regulated units which remain in use at the facility: | 2 | |
| 11. | If required, has the facility prepared a written post-closure plan? [3745-66-18] (265.118) | · Y | |
| 12. | Does the post-closure plan include: | | |
| | a. A description of proposed ground water monitoring? b. A description of planned maintenance activities? c. The name, address and phone number of person/office to contact during the post-closure period? - 31 - | ¥ Y | |

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- 1). For disposal facilities, has the owner/operator submitted to local land authorities and the Director a survey plat within 50 days after certification of closure? [3745-66-19] (265.119)
- 14. Has the owner of the property on which a disposal unit is located recorded on the deed that:
 - The land has been used to manage hazardous waste and the type, quantity and location of waste?
 - b. Land use is restricted pursuant to 3745-66-17? [3745-66-19] (265.119)

po Nution Control Center NA7

CAC 3745-67 SURFACE IMPOUNDMENTS (40 OFR PART 265 SUBPART N)

:

| L. | Is at least 2 feet (60 cm) of freeboard maintained in the surface impoundment, or has written certification that the impoundment is of adequate design been prepared? [3745-67-22] (265.222) | NA | AHM7-198 |
|----|---|-----|----------|
| 2. | Are earthen structural containment systems equipped with protective cover such as grass, shale or rock to minimize erosion from wind and water. [3745-67-23] (265.223) | Ĭ | grass |
| 3. | Is the level of freeboard in the surface impoundment inspected at least once each operating day, the structural containment system is inspected at least once per week and all such inspections are documented. [3745-67-26] (265.226) | WA | |
| 4. | Whenever a surface impoundment is used to treat or store wastes substantially different from previous wastes or when substantially different treatment processes are used in the surface impoundment, has the facility insured the safety of such changes by: [3745-67-25] (265.225) a. Waste analyses and trial treatment or b. Written documented information on similar treatment of similar waste under similar conditions? | NA_ | |
| 5. | With the exception of emergency situations, whenver ignitable or reactive wastes are placed in a surface impoundment has the facility insured the safety of the operation by complying with the following: [3745-67-29 and 3745-65-17] (265.229 and 265.17(b)) a. The waste is immediately treated after placement in the the surface impoundment so that it is no longer hazardous? b. The waste is managed to protect from ignition? c. A certification from a qualified chemist or engineer is maintained at the facility stating that the design/operation of the unit will prevent ignition or reaction? | | |

<u>Y/N/NA</u> REMARR ≠

| | | <u>Y MANA</u> | <u> 4-74448 - </u> |
|----|---|---------------|---|
| | Incompatible materials are not placed in the same surface impoundment unless it is done in compliance with the safety requirements of 3745-65-17 (165.17(b)? [3745-67-30] (265.230) | NA | |
| • | At closure, were all standing liquids, waste residues, liners, and contaminated soil removed from the unit? [3745-67-28](265.228) | Y | <u></u> |
| ٠. | Has the owner/operator retrofitted the surface impoundment or ceased receipt of hazardous waste by November 8, 1988? If no. did USEPA grant an exemption prior to that date? | Y | *************************************** |

NOTE: IF THE OPERATOR ELECTS NOT TO EXEMPT THE SURFACE IMPOUNDMENT FROM FURTHER REGULATION BY REMOVING ALL WASTE MATERIALS, THE SURFACE IMPOUNDMENT IS SUBJECT TO THE POST-CLOSURE CARE AND GROUND WATER MONITORING REQUIREMENTS SPECIFIED IN 3745-68-10 AND 3745-67-28(C).

RCRA LAND DISPOSAL RESTRICTION INSPECTION

| Facility: | nited M | lusical | | | |
|--|-----------------------|-------------------------|----------------------------|------------------------------|-----------|
| U.S. EPA I.D. No | : DHD-a | 04-153-85-6 | <i>f</i> | | |
| | | | ud Box42 | 3 | |
| | | State: Ohio | | ode: 44094 | |
| Telephone: | (216) | 946-6100 | | | • |
| Operator: | Sam | ٩ | | | |
| Street: | | | | | |
| City: | | State: | Zip C | ode: | |
| Telephone: | | | | · | • |
| Owner: Sh | cane - G | ripens C | 6 United | Musical | Corp. Off |
| Street: | 00 Ind | ustrial | Parkway | | |
| City: Elt | hart: | State: <u>Indi</u> | <u>RMR</u> Zip C | ode: 46515 | |
| Telephone: | (219) | 295-0079 | 7 | | |
| Inspection Date: | 8 29,89 Time: | 9:00 - AM Wes | ather Conditions: | | |
| 1 | <u>Name</u> | Affiliation | Telep | hone | |
| | | | | | |
| Inspectors: | Kay Soria | eer OEPA | -NEDU | | |
| Inspectors: | Kay Soria Kevin Mo | ger OEPA | | | |
| Inspectors: Facility Represe | tevin Mo | 11 . _ | A | | |
| - - | tevin Mo | Jack Hay | A | First Third | |
| - - | Kevin Mo | Jack Hay | A Nes LDR Status | First Third | |
| Facility Represe | Kevin Mo | Jack Hay | A Nes LDR Status | First Third | |
| Facility Represe | Kevin Mo | Jack Hay | A Nes LDR Status | First Third | |
| Facility Represes Generator Transporter | Kevin Mo | Jack Hay | A Nes LDR Status | First Third | |
| Facility Represes Generator Transporter Treater | Kevin Mo | Jack Hay US F-Solvent | LDR Status California List | First Third | |
| Generator Transporter Treater Storer | Kevin Mo | Jack Hay | LDR Status California List | First Third Revised 9-26-88 | |

FOOL Solvents TCF - Notify to
1,1,1 TCA
Van Witers+
Rogers
Safety Keen

Fools sludge - Notify Envirite

Do not keep

Copies

The facility ritaintained FOOG Sludge surface impoundments which were closed in 19,85 but have not get been viewed as "clean closed" until all groundwater data has been submitted.

RCRA LAND DISPOSAL RESTRICTION INSPECTION APPLICABILITY CHECKLIST

Does the facility handle the following wastes?

| | | | | Gen. | Treat | Store | Disp. | Trans. |
|----|------|------------|-----------------------------|--------------------------------------|-------------|-------------|-----------|--------|
| A. | F-Sc | lvent Wast | tes | / | | | | |
| | 1. | F001 | | <u>\(\nu \) \(\nu \) \(\nu \)</u> | | | | |
| | 2. | F002 | | | | | | |
| | 3. | F003 | | • | | | | |
| | 4. | F004 | | | | | | |
| | 5. | F005 | | | | | | |
| | | Note: | Use Appendix misclassifying | | | ther the fa | cility is | |

B. California List Wastes

1. Liquid hazardous waste (including free liquids associated with any solid or sludge) that contains the following metals at concentrations greater than or equal to those specified

| | | Gen. | Treat | Store | Disp. | Trans. |
|-------------|----------|------|--------------|--------------|-------------|---|
| Arsenic | 500 mg/L | | | | | |
| Cadmium | 100 mg/L | | | | | |
| Chromium VI | 500 mg/L | | | | | |
| Lead | 500 mg/L | · | | | | *************************************** |
| Mercury | 20 mg/L | | | | | |
| Nickel | 134 mg/L | | | | | |
| Selenium | 100 mg/L | | | | | |
| Thallium | 130 mg/L | | | | | |

| 2. | Liquid hazardous wa any solid or sludge) to concentrations greate | that contains | free cyanid | es at | d with | |
|----|---|---|------------------------|-------------------------|------------------------|-----------------|
| | | Gen. | Treat | Store | Disp. | Trans |
| 3. | Liquid hazardous wa | ste that has a | pH of less | than or ec | ual to 2.0 | · • |
| 4. | | ppm) ppm y mix liquid l vith other typ Yes | nazardous ves of waste | waste that | nions great | |
| 5. | Hazardous waste that (liquids) or 1,000 mg/ | /kg (solids) itions of 268.3 | 32(a)(3) and | | apply if t | —— |
| | Note (2): The effecti greater than or equal 8, 1987; the effective or equal to 10,000 mg 1,000 mg/kg is Novem | to 1,000 mg/l date for liqu /L and solid | and less t | han 10,000 ontaining | mg/L was HOCs great | July er than |

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C. First Third Wastes

The detailed description for waste codes are listed in Appendix C. Note: (1) (2) EPA has promulgated the treatment standards for the following waste code with *. Disp. Gen. Treat Store F006* F007 F008 F009 F019 K001* K004* K008* K011 K013 K.014 K015* K016* K017 K018* K019* K020* K021* K022* K024° K025* K030* K031 - K035 K036* K037° K044* K045* K046°

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Revised 9-26-88

| | | | Gen. | Treat | Store | Disp. | Trans. |
|-------|-----|---|-------------|--------------|--------------|---|-------------|
| K047* | | | | | | | |
| K048* | | | - | | | <u></u> | |
| K049* | | | - | <u> </u> | | | |
| K050* | | | | | | | |
| | | | | | | | ** |
| K051* | | | | | | *************************************** | |
| K052* | | | | | ····· | • | |
| K060* | | | | | | | |
| K061* | | | | | | | |
| K062* | | | | | | | |
| K069* | | | | | | | |
| K071* | | | | | | | |
| K073* | | | | | | | · |
| K083* | | | | ************ | | | |
| K084 | | | | | | <u></u> | |
| K085 | | | | | | <u></u> | |
| K086* | | | | | | | |
| K087* | | | | | | | |
| K099* | | | . — | | | | |
| K100* | | | | | | | |
| K101* | | | | | | | |
| K102* | | | **** | | | | |
| K103* | | | | | | | |
| K104* | | | | | | | |
| K106* | | | | | | | |
| P001 | | | | | | | |
| P004 | : _ | | | | | | |
| P005 | | | | | | | |
| P010 | | | | | | | |
| P011 | | | | | | *************************************** | |
| P012 | | - | | | | | |
| P015 | | | | | | | |
| P016 | | | 49.444 | | | | |
| P018 | | | | | | | |
| | | | | | | | |

| | | Gen. | Treat | Store | Disp. | Trans. |
|--------------|---|-------------|--|---------|--------------|--------|
| | | | | | | |
| P020 | | | | | | |
| P030 | | | **** | | | |
| P036 | | | | | | |
| P037 | | | ************************************** | ****** | | |
| P039 | | | | | | |
| P041 | | | | <u></u> | | |
| P048 | | | | | | |
| P050 | | | | | | |
| P058 | | | | | | |
| P059 | | | | | | |
| P063 | | | | | | |
| P068 | | | | | | |
| P069 | | | | | | |
| P0 70 | | | | | | |
| P071 | · | | | | | |
| P081 | | | | · | | |
| P082 | | | | <u></u> | | |
| P084 | | | | | | |
| P087 | | | | | | |
| P089 | | | | | | |
| P092 | | <u></u> | | | | |
| P094 | | <u></u> | | | | |
| P097 | | <u> </u> | | · | | |
| P102 | | | | | | |
| P105 | | | | | | |
| P108 | • | | | ****** | | |
| P110 | · | | | | | |
| P115 | | | | | | |
| P120 | | | | | | |
| P122 | | | | 4***** | *** | |
| P123 | | | · | | | |
| U 007 | | <u> </u> | | | | |
| U 009 | | | | • | | |
| | | | | | | |

| | | Gen. | Treat | Store | Disp. | Trans. |
|--------------|--|---------------|-------------|---|-------|--|
| *** | | | | | | |
| U010 | | | , | | | |
| U012 | | | | | | ************************************** |
| U016 | | | | | | |
| U018 | | | | · — | | |
| U019 | | | | | | |
| U022 | | | | | | |
| U029 | | | | | | |
| U031 | | | | | | |
| U036 | | | | | | |
| U037 | | | | | | |
| U041 | | **** | | *************************************** | | |
| U043 | | | | | | |
| U044 | | | | | | |
| U 046 | | | | | | |
| U 050 | | | | | | |
| U051 | | | | | | |
| U053 | | | | | | |
| U061 | | | | | | |
| U 063 | | | | | | |
| U 064 | | | | | | |
| U 066 | | | | | | |
| U 067 | | | | | | |
| U074 | | | | | | |
| U077 | | | | | | |
| U 078 | | · | | | | |
| U086 | | | + | | | |
| U089 | | | | | | |
| U103 | | | | | | |
| U105 | | | | | | |
| U 108 | | | | | | |
| U115 | | | | | | |
| U122 | | | | | | |
| U124 | | | | | | |
| | | _ | | | | |

| | | | Gen. | Treat | Store | Disp. | Trans. |
|--------------|------------|---|------|-------------|--|--------------|---------------|
| | | | | | | | |
| U129 | | | | - | | | |
| U130 | | | | | | | |
| U133 | | | | | | | |
| U134 | | | | | | | |
| U137 | | | | • | | | |
| U151 | | | | | | | |
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| U155 | | | | | | | |
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| U159 | | | | | | | ., |
| U171 | | | | | | | |
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| U 180 | | | | | | | |
| U18 5 | | | | | ************************************** | | |
| U188 | | • | | | | | |
| U192 | | | | | | | |
| U200 | | | | | | | |
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| U223 | | | | | | | |
| U226 | · <u>.</u> | | | | | | |
| U 227 | | | | | | | |
| U228 | | | | | | | **** |
| U 237 | | | | | | - | |
| U238 | | | | | | | |
| U 248 | | | | | | | |
| U 249 | | | | | | | |
| | | | | | | | |

RCRA LAND DISPOSAL RESTRICTION INSPECTION

GENERATOR CHECKLIST

GENERATOR REQUIREMENTS

| | appi | olvent Wastes: Does the generator correctly determine the copriate treatability group of the waste? |
|----|---|---|
| | | Yes No NA |
| | If yes, check the appropriate treatability group. | |
| | | Wastewaters containing solvents (less than or equal to 1% TOC by weight) |
| | | Pharmaceutical wastewater containing spent methylene chloride |
| | _1/ | All other spent solvent wastes |
| 2. | Cali | fornia List Wastes: Does the generator correctly determine appropriate treatment standard of the waste? |
| | a. | For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 50 but less 500 ppm, is the treatment in accordance with existing TSCA thermal treatment regulations for burning in high efficiency boilers (40 CFR 761.60) or incineration (40 CFR 761.70)? |
| | | Yes No // NA |
| | | · |
| | | If yes, specify the method: |
| | b. | For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 500 ppm, is the waste incinerated or disposed of by other approved alternate methods (40 CFR 761. 60 (e))? |
| | b. | For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 500 ppm, is the waste incinerated or disposed of by other |

| yes, check the a Wastew filterab Nonwas | Yes 1 In propriate treatability group of the waste? Yes 1 In propriate treatability group atter (less than 1% TOC by le solids) Intervalent treatable tr | NoNA oup. weight and less than 1% eatment standard group. |
|---|--|--|
| yes, check the a Wastew filterab Nonwas t the waste cod | Yes1 appropriate treatability gro ater (less than 1% TOC by le solids) atewaters e and check the correct tre | NoNA oup. weight and less than 1% eatment standard group. |
| Wastewn filterab Nonwas t the waste code | appropriate treatability groater (less than 1% TOC by le solids) atewaters | weight and less than 1% eatment standard group. |
| Wastewn filterab Nonwas t the waste code | ater (less than 1% TOC by le solids) stewaters e and check the correct tre | weight and less than 1% eatment standard group. |
| filterab Nonwas t the waste cod ste Code | le solids) stewaters e and check the correct tre | eatment standard group. |
| filterab Nonwas t the waste cod ste Code | le solids) stewaters e and check the correct tre | eatment standard group. |
| t the waste cod | e and check the correct tro | |
| ste Code | | |
| | Wastewater | Nonwastewater |
| F006 | | - 1 Co Æil Silve |
| | | Cd.066 Pb. 51 Silve Cr 5.2 Ni .32 |
| | | <u> </u> |
| | | |
| | | · |
| | | |
| | | · · · · · · · · · · · · · · · · · · · |
| | | |
| | | the F-solvent waste |
| | Yes 1 | NA ^ |
| 77 | | |
| How was this | determination made? | |
| - Knowle | dge of waste | |
| | <u> </u> | 1 0 |
| Tf vac : | s any synnasting data avai | dable for review? Describe |
| | | |
| Kc | Sers - Sifety xleer | |
| - TCLP | • | - |
| | Yes N | No |
| | | |
| | How was this Knowled If yes, in the thin the t | Does the generator determine whether exceeds treatment standards? Yes How was this determination made? Knowledge of waste Yes If yes, is any supporting data available the standards. TCLP |

| | ь. | treatment standards upon generation [268.7(a)(2)]? |
|----|------|--|
| | | Yes No NA |
| | | If yes, specify the waste stream: |
| | c. | Does the generator dilute the F-solvent waste as a substitute for adequate treatment [268.3]? |
| | | Yes No NA |
| | d. | How does the generator test F-solvent waste when a process or waste stream changes? The not change |
| 2. | Cali | ifornia List Wastes |
| | a. | Does the generator determine whether the waste is a liquid according to the Paint Filter Liquids Test (PFLT method 9095) as described by SW-846? |
| | | Yes No NA FOOG Wy metels |
| | b. | If the waste is determined to be a liquid according to PFLT, is an absorbent added to the waste? |
| | | Yes No NA |
| | | What type of absorbent is used? Lime tile dust Check the types of waste to which absorbent is added Liquid hazardous waste having a pH less than or equal to 2 |
| | | Liquid hazardous waste containing metals |
| | | Liquid hazardous waste containing free cyanides |
| | c. | Does the generator determine whether the concentration levels (not extract or filtrate) in the waste equal or exceed the prohibition levels or whether the waste has a pH of less than or equal to 2.0 based on: |
| | | - Knowledge of wastes |
| | | Yes No NA |

| | Yes No |
|------|---|
| | How was this determination made? - Knowledge of waste |
| | If yes, specify the waste stream: Foo6 |
| | Yes No Soft hamme |
| b. | Does the generator determine whether the First Third waste exceetreatment standards upon generation? |
| | Note: The treatment standards for first third wastes are given in Appendix D. |
| | standard of the waste? Yes No NA |
| a. | Does the generator correctly determine the appropriate treatment |
| Firs | t Third Wastes: |
| | treatment [268.3]? |
| c. | Does the generator dilute the waste as a substitute for adequate |
| | |
| - | - If yes, list test method used and constituent and concentration levels that exceeded prohibition levels: |
| | Yes No NA |
| d. | Does the generator determine if concentration levels in the PFLT filtrate exceed cyanide and metals concentration levels? |
| | If yes, list test method used: |
| | - Testing Yes No NA |

| | | | - TCLP |
|----|-----|------------|--|
| | | | Yes No NA |
| | | | - Total Constituent Analysis |
| | | | Yes No NA |
| | | | Provide the date of last test, the frequency of testing, and note any problems. Attach test results. |
| | | | 10-13-88 - Burnels Technical Services |
| | | c. | Does the generator dilute the waste as a substitute for adequate treatment [268.3]? |
| | | | Yes \(\sum_{No} \) No \(\sum_{NA} \) \(\xiln \) \(\alpha \) |
| | | d. | Yes No NA Rila of the Waste when a process or waste to rolf stream changes? |
| | | | does not change |
| | | | |
| C. | Man | agem | <u>ent</u> |
| | 1. | On- | Site Management |
| | | | estrict waste or waste that exceeds the treatment standards ted, stored, or disposed on-site? |
| | | | YesNo |
| | | If y | es, the TSD Checklist must be completed. |
| | 2. | Off | -Site Management |
| • | | a . | Does the generator ship any waste that exceeds the treatment standards to an off-site treatment or storage facility? |
| | | | Yes No |
| | | b. | Does the generator provide notification to the treatment or storage facility [268.7(a)(1)]? |
| | | | Yes No |
| | | | |

| Does notification contain the following? |
|---|
| EPA Hazardous waste number(s)YesNo |
| Applicable treatment standards Yes No |
| Manifest number Yes No |
| Waste analysis data, if available Yes No |
| Identify off-site treatment or storage facilities: Envirife 1 |
| State 19 - Clark |
| Does the generator ship any waste that meets the treatment standards to an off-site disposal facility? |
| Yes No |
| Does the generator provide notification and certification to the disposal facility [268.7(a)(2)]? |
| Yes No |
| Does notification contain the following? |
| EPA Hazardous waste number(s) Yes No |
| Applicable treatment standards Yes No |
| Manifest number Yes No |
| Waste analysis data, if available Yes No |
| Certification that the waste meets treatment standards Yes No |
| Identify off-site land disposal facilities: |
| |
| Is the waste subject to a nationwide variance, case by case extension (268.5), or petition (268.6)? |
| Yes No NA |
| If yes, does the generator provide notification to the off-site receiving facility that the waste is not prohibited from land disposal [268.7(a)(3)]? |
| Yes No |
| |

| | i. | If yes, does the notification contain the following information? | | | | | | |
|----|-----------|---|---|------------------|--|--|--|--|
| | | EPA Hazardous waste number | Yes | No | | | | |
| | | The corresponding treatment standards and all applicable prohibitions | Yes | No | | | | |
| | | Manifest number | Yes | No | | | | |
| | | Waste analysis data, if available | Yes | No | | | | |
| | | Date the waste is subject to the prohibitions | Yes | No | | | | |
| | j. | Does the generator retain copies of all a period of 5 years? | | | | | | |
| | | | Yes | No No | | | | |
| D. | Demonstr | ration and Certification "Soft Hammer | - Wastes | | | | | |
| | a. | Has the generator attempted to locate a and recovery facilities that provide tre greatest environmental benefit [268.8(a) | atment that yields | treatment the | | | | |
| | | | Yes | No | | | | |
| | b. | Has the generator submitted to the Reg demonstration and certification contain to document its efforts to locate practi- | ning the following | information | | | | |
| | · | A list of facilities and facility officials contacted? | Yes | No | | | | |
| | | Addresses | Yes | No | | | | |
| | | Telephone Numbers | Yes | No | | | | |
| | | Contact dates | Yes | No | | | | |
| | | Attach a copy of the demonstration | on and certification | n | | | | |
| • | c. | If the generator has determined that the treatment for its wastes, has it sent doc demonstrating why it was not able to of for the waste? | umentation to EPA btain treatment or | A | | | | |
| | | Yes N | 40 | | | | | |
| | | If yes, attach a copy of written discussi | ion. | | | | | |

| | d. | Does th | ne generator ship his waste off-site for treatment? | |
|----|--------------|---------------------|--|-----|
| | | | Yes No | |
| | | Describ | be the type of treatment and treatment facilities | |
| | | | | |
| | c. | Did the | generator send a copy of its demonstration and certification receiving facility with the first shipment of waste? | |
| | • | | Yes No | |
| | f. | Does th | ne generator provide certification with each subsequent nt of wastes? | |
| | | | Yes No | |
| | g. | Does th | e generator provide the following notification to the ag facility with each shipment of waste? | |
| | | (i) | EPA Hazardous waste number Yes No | |
| | | (ii) | Manifest number Yes No | 144 |
| | | (iii) | Waste analysis data, if available Yes No | |
| | h. | Does th | e generator retain copies of all notices, demonstrations, and ations for a period of 5 years? | |
| | | | Yes No | |
| E. | (i.c., boile | rs, furna | CCRA 264/265 Exempt Units or Processes ces, distillation units, wastewater elementary neutralization, etc.) | |
| | Are unde | treatmen er RCRA | t residuals generated from units or processes exempt 264/265? Yes No pes of waste treatment units and processes: DMP treatment System | |
| • | If ye | es, list ty | pes of waste treatment units and processes: DMP treatment System | |
| | | | | |

@inter-office communication

| to: U | nited Musical Instruments, U.S.A., Financial Assurance Filedate: | 2/3/89 |
|-------|--|--------|
| from: | Carolyn Reierson, RCRA Enforcement Section, DSHWM | |
| | . Financial Record Review - United Musical Instruments, NEDO | |

On January 30, 1989 I conducted a financial record review for United Musical Instruments to determine compliance with the financial responsibility requirements of Ohio Administrative Code (OAC) rules 3745-66-42 through 3745-66-47.

Although United Musical Instruments is subject to these rules, the September 12, 1986 Complaint and May 7, 1987 CAFO from USEPA, Region V did not require the facility to establish any financial assurances for closure costs or liability coverage.

United Musical Instruments submitted a full closure plan which was approved August 26, 1986, and has subsequently submitted another plan with amendments and modifications dated October 14, 1988.

Based on these circumstances, it is inappropriate and unproductive for Ohio EPA to address the financial responsibility requirements with United Musical Instruments. No notice will be given to the facility regarding this issue.

CR/drr

18295/39

cc: Dave Sholtis, DSHWM Dave Wertz, NEDO

To: wally

OFFICE OF RCRA

Waste Management Division

U.S. EPA, REGION V



United Musical Instruments U.S.A., Inc. • 33999 Curtis Blvd. • Eastlake, OH 44094 • (216) 946-6109 • Felex 241113

Kevin Pierard Chief OH/MN Technical Enforcement Section USEPA, Region V 230 S. Dearborn St. Chicago, IL 60604

RE: Notice of Violation - UMI

OHD004 153 854

Dear Mr. Pierard:

In reference to the above said violation, the following corrections have been made and initiated that will ensure future compliance:

- 1) Attached is the F006 Waste Sludge TCLP Leachate results as dated 9-20-88. The waste does exceed treatment standards as required by Section 268.7(a).
- 2) We will notify in writing for each shipment of California list waste, the applicable treatment standard, USEPA hazardous waste number, manifest number, waste analysis data, if available, as required by Section 268.7(a)(1).
- 3) We have been and will notify in writing for each shipment of First Third Waste, the applicable treatment standard, USEPA hazardous waste number, manifest number, if available, as required by Section 268.7(a)(1).

Let it be recorded that the inspection was on August 9, 1988, the day after the treatment standards became effective on 8-8-88. At that time, Envirite was already supplying the forms necessary to be in compliance with 268.7(a)(1). Also, let it be noted that the First Third Waste became effective on November 8, 1988, two months after we were cited for the violation on August 9.

Again, UMI is committed to keeping within EPA requirements. If any other information is needed regarding the above, please contact me.

Sincerely,

UNITED MUSICAL INSTRUMENTS U.S.A., INC.

John J. Havnes

Corporate Director of Human Resources

JJH/dml Encls.

Walter Nied, EPA CC:

> Michael Savage, OEPA-CO Kay Springer, OEPA-NEDO Debbie Berg, OEPA-NEDO

DEC 0 6 1988

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Jack Haynes United Musical Instruments 33999 Curtis Boulevard P.O. Box 48 Eastlake, Ohio 44094

> Re: Notice of Violation United Musical Instruments OHD 004 153 854

Dear Mr. Haynes:

On August 9, 1988, the Ohio Environmental Protection Agency (OEPA), representing the United States Environmental Protection Agency (U.S. EPA), conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above-referenced facility. The purpose of the inspection was to determine the compliance status of your facility with respect to the applicable hazardous waste management requirements of RCRA, including the land disposal restrictions of certain spent solvents. The land disposal restrictions became effective on November 8, 1986, (reference Federal Register 40636: 40 CFR Part 268, and revisions to 40 CFR Part 260-265 and 270).

With respect to the land disposal requirements section of the inspection, your facility was found to be in violation of certain land disposal requirements as noted below:

- 1. Failure to determine whether the waste exceeds treatment standards as required by Section 268.7(a);
- 2. Failure to notify in writing for each shipment of California list waste, the applicable treatment standard, U.S. EPA hazardous waste number, manifest number, waste analysis data, if available as required by Section 268.7(a)(1); and
- 3. Failure to notify in writing for each shipment of First Third Waste, the applicable treatment standard, U.S. EPA hazardous waste number, manifest number, waste analysis data, if available, as required by Section 268.7(a)(1).

This waste has been identified in the inspection as F006 non-wastewater. It is also indicated that the waste is disposed of at Envirosafe. This waste has treatment standards promulgated and these standards must be met prior to disposal (see 40 CFR 268.40). Further treatment may be necessary.

Provide documentation that this waste meets applicable treatment standards prior to disposal. These treatment standards became effective August 8, 1988.

A copy of the inspection report is enclosed for your records. Please submit to this office, within thirty (30) days of receipt of this Notice of Violation, documentation demonstrating that the above-cited violations have been corrected and indicating what measures have been initiated to assure future compliance. Failure to correct the violations may subject the facility to further Federal enforcement action.

If you have any questions regarding this correspondence, please contact Walter Nied of my staff at (312) 886-4466.

Sincerely yours,

Kevin Pierard, Chief OH/MN Technical Enforcement Section

Enclosure

cc: Michael Savage, OEPA-CO Kay Springer, OEPA-NEDO Debbie Berg, OEPA-NEDO

5HR-12:WNIED:fharris:6-4466:12/1/88

| · A · Marpha | tipledeligher. | Section at 1992 | | Day at | in a single | THE PROPERTY. | M DESTROY | RORA | 0 D I | vid (A) |
|--------------|----------------|-----------------|-------|--------|------------------|----------------------|-------------|---------------------|--------|---------|
| 14 | TYP. | AUTH. | TEGH. | TIC I | | EMF. PAUG. PERTAM | ENF. F162G. | ENF. BR. I CHIEF | A.D.D. | DIR |
| INIT. | Sple | WEN WISIS | | | KBKP GOV LICK | | | | | |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

5HE-12

SEP 1 2 1988

CERTIFIED MAIL RETURN RECEIPT REQUESTED

C.T. Corporation System Registered Agent for King Musical Instruments 815 Superior Avenue N.E. Cleveland, Ohio 44114

Re: Complaint, Findings of Violation and Compliance Order EPA I.D. No.: OHD 004 153 854

Dear Sir:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by King Musical Instruments of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. \$6901 et seq. This Agency's determination is based upon inspections of the facility on February 2, 1983, and June 17, 1983, and information in our files and Ohio Environmental Protection Agency (OEPA) files about the facility located at 33999 Curtis Boulevard, Eastlake, Ohio. The Findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA relating to the proper use of manifests, marking of containers, providing personnel training, maintaining a contingency and emergency coordinator, and performing inspections.

Accompanying the Complaint and Compliance Order is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverely Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should also be sent to Mr. Jon Faletto, Office of Regional Counsel (5C-16) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Mr. Stephen Clough, United States Environmental Protection Agency, RCRA Enforcement Section (5HE-12), 230 South Dearborn Street, Chicago, Illinois 60604. Mr. Clough can be reached at (312) 886-4446.

Sincerely,

M.a. Base

Basil G. Constantelos, Director Waste Management Division

Enclosure

cc: William Price, President King Musical Instruments

Ed Kitchen, Surveillance & Enforcement Section, OEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) | v-w- 86 R- 75 N DOCKET NO. 86 R- 75 N |
|---|------------------|--|
| KING MUSICAL INSTRUMENTS 33999 CURTIS BOULEVARD P.O. BOX 48 EASTLAKE, OHIO 44094 |)))) | COMPLAINT, FINDINGS OF VIOLATION AND COMPLETE DATER |
| EPA I.D. No: OHD 004 153 854 |) | SEP 1 LEARING CLERK |
| | COMPLAINT | SEP 1 Z IONAL HEARING CLERK REGIONAL HEARING CLERK REGIONAL HEARING CLERK U.S. ENVIRONMENTAL PROTECTION AGENCY |

This Complaint is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a) 1 and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is King Musical Instruments, located at 33999 Curtis Boulevard, Eastlake, Ohio 44094.

This Complaint is based on information obtained by the U.S. EPA, including RCRA compliance inspections conducted on February 2, 1983, and June 17, 1983, by the Ohio Environmental Protection Agency (OEPA) and information in U.S. EPA and OEPA files. At the time of the inspections, violations of applicable State and Federal regulations were identified.

Pursuant to 42 U.S.C. §6928(a)(1), and based on the information cited above, it has been determined that King Musical Instruments has violated regulations found at 40 CFR 262.11, 262.20, 262.23, 262.34, 265.16, 265.51, 265.52, 265.53, 265.55, 265.174, 270.10, 270.13, and 270.70 (Ohio Administrative Code (OAC) 3745-52-11, 21, 23, 34, 3745-65-16, 51, 52, 53, 55, and 3745-66-74).

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 1006(a), 2002(a)(1), 3006(b), and 3008(a)(2) of RCRA, 42 U.S.C. $\S6905(a)$, $\S6912(a)(1)$, $\S6926(b)$, and $\S6928(a)(2)$ respectively.

From July 15, 1983, until January 31, 1986, the State of Ohio had Phase I interim authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, to administer a hazardous waste program in lieu of the Federal program. This authorization allowed either the State or U.S. EPA to enforce Ohio hazardous waste statutes and regulations, where applicable, in lieu of Federal statutes. U.S. EPA retained authority in matters related to the issuance of final RCRA Permits during this period. Accordingly, this Complaint and Compliance Order seeks to enforce both Federal and State regulations as applicable.

FINDINGS

This determination of violation is based on the following:

- 1. Respondent, King Musical Instruments, is a person as defined by Section 1004(15) of RCRA, 42 U.S.C. $\S6903(15)$ and Ohio Administrative Code (OAC) 3745-50-10(A)(2)(62), who owns and operates a facility at 33999 Curtis Boulevard, Eastlake, Ohio that generates and stores hazardous waste.
- 2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste to notify U.S. EPA of such activity within ninety (90) days of the initial promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulation may be transported, treated, stored or disposed of unless the required notification has been given.

- 3. U.S. EPA first published regulations concerning the generation, transportation, treatment, storage and disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required, in most instances, no later than August 18, 1980.
- 4. Section 3005(a) of RCRA, 42 U.S.C. §6925(a), requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA permit. These regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.
- 5. Section 3005(e) of RCRA, 42 U.S.C. §6925(e), provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition of the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) a timely application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.
- 6. The Respondent, King Musical Instruments, owns and operates a facility located at 33999 Curtis Boulevard, Eastlake, Ohio. Respondent is a Delaware corporation whose registered agent in Ohio is C.T. Corporation System, 815 Superior Avenue N.E., Cleveland, Ohio 44114.

- 7. On August 18, 1980, Respondent filed a notification of hazardous waste activity for the Curtis Boulevard facility with U.S. EPA, pursuant to Section 3010(a) of RCRA, which requires such notification to have been filed on or before August 18, 1980.
- 8. Respondent submitted to U.S. EPA a Part A permit application on November 19, 1980, to treat, store, or dispose of hazardous waste, pursuant to Section 3005(a) of RCRA and 40 CFR 124.3(a) and 270.10(a), which require such submission to have been made on or before November 19, 1980. Thus, Respondent obtained interim status for those processes and hazardous wastes described in its Part A application, and thereby became subject to the requirements of 40 CFR Part 265 (0AC 3745-65-01 through 3745-69-30).
- 9. In a letter dated October 4, 1983, the Respondent requested that U.S. EPA withdraw the Part A permit application it had submitted, in order to change the status of King Musical Instruments from a hazardous waste treatment, storage, or disposal facility to a "generator" storing waste for fewer than ninety (90) days, in accordance with 40 CFR 262.34.
- 10. Pursuant to Respondent's request, U.S. EPA withdrew the Part A permit application and notified Respondent in a letter dated January 9, 1984. As a generator of hazardous waste, Respondent is subject to the regulations contained in 40 CFR Part 262, and any other applicable regulations referenced therein.
- 11. Respondent was storing hazardous waste in drums and in two surface impoundments at the facility. These wastes have been identified and listed as hazardous wastes under Section 3001 of RCRA and 40 CFR 261.31 (U.S. EPA Hazardous Waste Numbers F002, F006, F007, F008 and F009). Respondent failed to include

storage of hazardous waste in a surface impoundment in the Part A permit application, thus, never receiving interim status for this unit. Therefore, Respondent is in violation of Section 3005 of RCRA and 40 CFR 270.10(e), 270.13, and 270.70.

- 12. RCRA compliance inspections of the facility were conducted by a representative of OEPA on February 2, 1983, and June 17, 1983. The following violations were observed and documented during the February 2, 1983, inspection:
 - a) Failure to make a hazardous waste determination, in violation of 40 CFR 262.11;
 - b) Failure to provide the proper shipping name and hazardous waste quantity on manifests, in violation of 40 CFR 262.20;
 - c) Failure to include the generator signature on manifests, in violation of 40 CFR 262.23;
 - d) Failure to clearly mark each container with the words "Hazardous Waste", in violation of 40 CFR 262.34;
 - e) Failure to clearly mark the date upon which each period of accumulation began, in violation of 40 CFR 262.34;
 - f) Failure to provide personnel training and maintain employee training records including job descriptions, in violation of 40 CFR 262.34 and 265.16;
 - g) Failure to prepare a contingency plan and distribute it to the appropriate agencies, in violation of 40 CFR 262.34 and 265.51 through 53;

- h) Failure to designate an emergency coordinator, in violation of 40 CFR 262.34 and 265.55; and
- i) Failure to conduct and document weekly inspections of containers, in violation of 40 CFR 265.174.
- 13. Respondent was provided a copy of the February 2, 1983, inspection report by an OEPA letter dated March 4, 1983.
- 14. A second inspection of the Respondent's facility was conducted on June 17, 1983, by OEPA to ascertain whether Respondent had corrected the violations observed during the February 2, 1983, inspection. During the reinspection, the following violations were observed and documented:
 - a) Failure to complete a sufficient hazardous waste determination, in violation of 40 CFR 262.11:
 - b) Failure to clearly mark the date upon which each period of accumulation began, in violation of 40 CFR 262.34;
 - c) Failure to develop an adequate contingency plan and distribute it to the appropriate agencies, in violation of 40 CFR 262.34, 265.52, and 265.53; and
 - d) Failure to conduct and document weekly inspections of containers, in violation of 40 CFR 265.174.
- 15. Respondent was provided a copy of the June 17, 1983, inspection report by an OEPA letter dated July 18, 1983.

- 16. During both inspections referenced above, OEPA representatives observed the Respondent placing hazardous waste sludge from its plating operations into two surface impoundments. By letter dated March 4, 1983, OEPA advised the Respondent to obtain a permit to operate the two surface impoundments or to cease operating and eliminate the impoundments.
- 17. In response to OEPA's letter, the Respondent submitted to OEPA certain blueprints indicating that the two surface impoundments were constructed as concrete tanks with concrete bases. On April 28, 1983, the Respondent contacted OEPA by telephone and stated that a physical excavation had confirmed that the two surface impoundments were constructed entirely of concrete.
- 18. Based upon the blueprints and representations made by the Respondent referenced above, OEPA determined that the two surface impoundments were not subject to regulations under RCRA because the construction of the impoundments met the definition of a "tank", and were considered to be a part of a wastewater treatment unit, in accordance with the exemption at 40 CFR 265.1(c)(10). By letter dated July 18, 1983, OEPA notified the Respondent of its determination.
- 19. During a telephone conversation on November 20, 1985, the Respondent advised OEPA that the two hazardous waste surface impoundments were not constructed entirely of concrete, but on the contrary had unlined, earthen bases.
- 20. By letter dated November 27, 1985, OEPA advised the Respondent that because the two surface impoundments were constructed with earthen bases, the impoundments were not exempt from RCRA regulations pursuant to 40 CFR 265.1(c)(10), and the Respondent was operating two surface impoundments in violation of State and Federal hazardous waste statutes and regulations.

- 21. On January 23, 1986, the Respondent submitted to OEPA a closure plan for the two surface impoundments. OEPA determined that the Respondent's closure plan was not adequate and listed the deficiencies in a letter dated May 14, 1986.
- 22. Based upon the inspections referenced above and information provided to OEPA and U.S. EPA, the Respondent has been operating two surface impoundments for the treatment, storage, or disposal of hazardous waste, without obtaining a permit and without having achieved interim status, in violation of Section 3005 of RCRA and the implementing regulations at 40 CFR 270.10(e), 270.13, and 270.70.
- 23. Respondent failed to submit Part B of the permit application for the hazardous waste surface impoundments and failed to certify compliance with applicable financial responsibility and groundwater monitoring requirements by November 8, 1985, in violation of Section 3005(e)(2) of RCRA. RCRA regulated disposal units that fail to meet the requirements of Section 3005(e)(2) lose interim status and must immediately cease operation and comply with applicable closure requirements.
- 24. All violations cited above have been corrected with the exception of Findings 11, 21, 22 and, 23. These remaining violations must be addresssed by Respondent.

COMPLIANCE ORDER

Respondent having been determined to be in violation of the above cited rules and regulations, the following Compliance Order pursuant to Section 3008 of RCRA, 42 U.S.C. §6928, is entered:

A. Respondent shall immediately upon this Order becoming final cease all treatment, storage or disposal of any hazardous waste except such treatment, storage, or

disposal as shall be in compliance with the Standards for Hazardous Waste Treatment, Storage, and Disposal Facilities found at 40 CFR Part 265, except as provided for in Paragraphs C, D, E, F, and G.

- B. Respondent shall immediately upon this Order becoming final achieve and maintain compliance with the Standards Applicable to Generators of Hazardous Waste found at 40 CFR Part 262.
- C. Respondent shall within thirty (30) days of this Compliance Order becoming final, submit a revised closure plan incorporating all comments stated in the OEPA letter dated May 14, 1986. This plan shall include: (1) a proposal for a groundwater monitoring system which meets the requirements of 40 CFR 265.90 and 265.91; and (2) a groundwater quality assessment plan that complies with 40 CFR 265.93(d)(3) and (4). Specifically, this plan should establish a sufficient number of groundwater monitoring locations along the limits of the waste management area to determine the extent of contamination migrating from Respondent's facility.
- D. Respondent shall, within thirty (30) days of approval by U.S. EPA of the closure plan, begin installation of monitoring wells in accordance with the approved closure plan.
- E. Respondent shall, within thirty (30) days of installation of wells, obtain samples from all groundwater monitoring wells and perform analyses to determine the concentration, rate, and extent of migration of all hazardous wastes or hazardous waste constituents, as defined in 40 CFR 260.10, associated with hazardous wastes which have been generated, stored, or disposed of at the facility.

- F. Based on the results of the analyses performed under Paragraph E above, the Respondent shall, within ninety (90) days of approval of the groundwater assessment plan, determine the concentration, rate, and extent of migration of all hazardous waste or hazardous waste constituents in the groundwater and shall submit to the U.S. EPA a written report containing the results of the analyses (Paragraph E), and its determinations regarding the concentrations, rate, and extent of migration of hazardous waste constituents in the groundwater. Respondent shall thereafter comply with the requirements of 40 CFR 265.93(d)(6) or (7), as applicable.
- G. Within ninety (90) days of approval of the closure plan by U.S. EPA, Respondent shall initiate closure activities specified in 40 CFR 265.113 and any additional activities contained in the approved closure plan.
- H. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order and any part thereof. This notification shall be submitted no later than the time stipulated in paragraphs A through G above to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Mr. Stephen Clough, RCRA Enforcement Section. A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Ed Kitchen, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43266-1049.

Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority where the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at this facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and any good faith efforts made by the Respondent to comply with the applicable requirements, the Complainant proposes to assess a civil penalty in the amount of ELEVEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$11,750) against the Respondent, King Musical Instruments, pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of this Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

NOTICE OF OPPORTUNITY FOR HEARING

The Respondent, King Musical Instruments, has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty.

Unless Respondent has requested in writing a hearing not later than thirty (30)

days from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order, requiring the payment of all penalties sought herein.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Mr. Jon S. Faletto, Assistant Regional Counsel, at the same address. Failure to answer within thirty days of receipt of this Complaint may result in a finding of default by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to the interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §§3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain (1) a definite statement of the facts which constitute the grounds of defense, and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations, in fact, occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business. Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Mr. Stephen Clough, RCRA Enforcement Section (5HE-12), at the address cited above, or by calling him at (312) 886-4446.

| Dated this 11th day of September | , 198 | 36. |
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Basil G. Constantelos, Director
Waste Management Division
Complainant
U.S. Environmental Protection Agency

Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

William Price, President King Musical Instruments 33999 Curtis Boulevard P.O. Box 48 Eastlake, Ohio 44094

and

C.T. Corporation System Registered Agent for King Musical Instruments 815 Superior Avenue N.E. Cleveland, Ohio 44114

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

| Dated this | | day of | September. | , 1986 |
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Secretary, Hazardous Waste Enforcement Branch U.S. EPA, Region V

ChigEPA

State of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road Twinsburg, Ohio 44087 (216) 425-9171

Richard F. Celeste Governor

August 23, 1988

RE: UNITED MUSICAL

Mr. Jack Haynes United Musical 33999 Curtis Blvd., Box 48 Eastlake, Ohio 44094

Dear Mr. Haynes:

Thank you for the courtesies extended to Paul Anderson and me during our inspection to determine your facility's compliance with applicable State and Federal Hazardous Waste Regulations on August 8, 1988. Mr. Ed Chesko and you represented your facility during the inspection.

The following are violations noted during the inspection:

GENERATOR REQUIREMENTS

1) 40 CFR 262.34 - OAC 3745-52-34 (A) (4)

The generator does not keep all of the records required, including written job titles, descriptions and documented employee training records. As discussed, the managers (instructors) should be included on the refresher list. Job titles and descriptions should be completed for all those employees who are involved in hazardous waste management. Copies of these revised items should be sent to this office.

Subpart B: General Facility Standards

2) 40 CFR 265.13-14 & OAC 3745-65-13-14

The unpermitted surface impoundment is considered in operation until it is considered "clean closed", therefore your facility remains in violation of having no waste analysis plans and no site security.

Subpart D: Contingency and Emergency

3) 40 CFR 265.53 - OAC 3745-65-53

A copy of the Contingency Plan revisions has not been submitted to all local and state emergency service authorities that might be required to participate in execution of the plan. A copy of the cover letter and revisions discussing arrangements with the authority should be submitted to this office.

It was suggested during the inspection that a map be completed showing the location of all emergency equipment and including that in the plan.

In addition, we discussed including the OEPA Emergency Response Number (1-800-282-9378) in the section describing spills and releases to the environment as well as the National Response Center Number. Within 24 hours the National Response Center should be notified (1-800-424-8802). Under your section Post Incident Procedures information that the report should be submitted to the Regional Administrator, USEPA, Region V, and the Director of the OEPA, CO should also be included in the plan. Revised pages should be submitted to this office.

Subpart E: Manifests/Records/Reporting

4) 40 CFR 265.73 - OAC 3745-65-73

The operator failed to maintain an operating record at this facility. Again, the surface impoundments are considered open at this time (i.e., until clean closure).

During our discussion regarding "clean closure" of the surface impoundments, you stated the contaminants now present in the wells, at no time entered the surface impoundments. Please submit to this office all available documentation indicating the waste 1,1,1 TCA and TCE was shipped off-site while the impoundments were open. If that information is not available, we will be able to gain more information from the analytical results following the sampling of the new wells.

Within thirty (30) days of receipt of this letter please submit the required information with written documentation indicating the above violations have been corrected.

In addition, please send a waste analysis of your F006 sludge as soon as Envirosafe can send one to you.

| 10.5. EPA 1.0. # 011 D 004-153-859 Box 48 City: EasHake Telephone: 216/946-6100 Telephone: 216/946-6100 Telephone: 216/425-9171 | ch areas were reviewed. /// Waste Piles S03 /// Land Treatment D81 /// Landfills D80 /// Chemical/Physical/ Biological T04 /// Groundwater Monitoring |
|--|--|
| Sical Address: 33999 Curtis 13/100/180x48 ZIP Code: 44034 County: Late Telephone: INSPECTION PARTICIPANT(S) (PAP. Dr. OF HLIMAN RESOURCES 2) INSPECTOR(S) INSPECTOR(S) SON. | If the site is a TSDF, check the boxes indicating which areas were reviewed. If the site is a TSDF, check the boxes indicating which areas were reviewed. If the site is a TSDF, check the boxes indicating which areas were reviewed. General Facility Standards, Preparedness And Prevention, Contingency and Emergency And Freatment And Freatment Chemical/Physical Total Solution Chemical/Physical Total Solution Chemical/Physical Total Solution Chemical/Physical Total Solution Chemical Treatment Chemical Total Solution Chemical Solution Chemical Solution Chemical Total Solution Chemical Solutio |
| HERAL INFORMATION CIIIty: Lanted Mu ate: Ohio Tack Kaines Kay Spires | 2. |

- 1. Has the facility submitted a Part A to Ohio?
- If "yes", is it complete and accurate?
- lias the facility submitted a Part B?
- Was advance notice of the inspection given? If so, how far in advance?
- IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM.

- Degreasing Agents 1) tot > FOOL Van Waters + Rogers Desoldering Waste (Alkaline) 2002 Envirite

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Revised 12/84

| GENERATOR REQUIREMENTS |
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| 1. The hazardous waste(s) generated at this facility have been tested or are | acknowledged to be hazardous waste(s) as derined in Section 201 and to compliance with the requirements of Sections 262.11. [3745-52-11(D)] |
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| 11e | acknowledged to be hazardous waste(s) as derined in Section 201 and in compliance with the requirements of Sections 262.11. [3745-52-11(D)] |
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- Does this facility generate any hazardous wastes that are excluded from regulation under Section 261.4 [3745-51-04] (statutory exclusions) Section 261.6 [3745-51-06(A)(1)] (recycle/reuse)?
- Does this facility have waste or waste treatment equipment that is excluded from regulation because of totally enclosed treatment (Section 265.1(c)(9)) [3745-65-01] or via operation of an elementary neutralization unit and/or wastewater treatment unit (Section 265.1(c)(10) [3745-65-01] ლ
- The generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:
- 262.21(a) and (b) [3745-52-21] and the minimum number of copies required by The manifest form used contains all of the information required by Section Section 262.22 [3745-52-22]. a)
- has/will designate an alternate facility or instructions to return waste in The generator has designated at least one permitted disposal facility and compliance with Section 262.20 [3745-52-20(B)(C)(D)] 7
- Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23~[3745-52-23(A)(1~and~2)].**(**)
- The generator has complied with manifest exception reporting requirements (Investigate after 35 days, report after 45 days) in Section 262.42(a)(b) [3745-52-42]. Ŧ
- Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by (262.40(a)) [3745-52-40(a)] Section 262.40 [3745-52-40]. **(**)

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GENERATOR - 1

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Yes

- The generator meads the following hazardous waste pre-transport requirements:
- prior to offering hazardous wastes for transport off-site the waste material (Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32] is packaged, labeled and marked in accord with applicable DOT regulations a)
- prior to offering hazardous wastes for transport off-site each container with a capacity of 110 gallons (416 liters) or less is affixed with a completed hazardous waste label as required by Section 262.32(b) [3745-52-32]. 3
- properly placard the initial transporter of the waste material in compliance The generator meets requirements for properly placarding or offering to With Section 262.33 [3745-52-33]. G
- Hazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50] . ف
- If the generator elects to store hazardous waste on-site in <u>containers</u> or <u>tanks</u> for <u>90 days</u> or less without a RCRA storage permit as provided under Section 262.34 [3745-52-34], the following requirements with respect to such storage are met:
- a) The containers are clearly marked with the words "Hazardous Waste".
- The date that accumulation began is clearly marked on each container. 9
- equipment operation and emergency response procedures, training new employees Section 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including instruction in safe The generator has provided a Personnel Training Program in compliance with within 6 months and providing an annual training program refresher course. (Section 262.34) [3745-52-34(A)(4)] 8
- [3745-65-16(D)(E)] including written job titles, job descriptions and documented employee training records (Section 262.34) [3745-52-34(A)(4)]. The generator keeps all of the records required by Section 265.16(d)(e) 6

Revised 12/84

NOTE:

SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES DE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM.

REMARKS, GENERATOR REQUIREMENTS

GENERATOR - 3

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| 40 CFR 265 (OAC 3745-65-et seq.) GENERAL INTERIM STATUS REQUIREMENTS AND ISD KEY | | Subpart B: General Facility Standards |

- The operator has a detailed chemical and physical analysis of the waste material Sutface inspoundment containing all of the information which must be known to properly treat or store the waste as required by Section 265.13(a) [3745-65-13(A)(1)]
- parameters, test methods, sampling methods, testing frequency and responses The operator has a written waste analysis plan which describes analytical to any process changes that may affect the character of the waste. (Section 265.13(b)) [3745-65-13(B)] 5
- Would physical contact with the waste structures or equipment injure unknowing/unauthorized persons or livestock entering the facility? (265.14(a)(l)) [3745-65-14(A)(l)] a) . ت
- Would disturbance of the waste cause a violation of the hazardous waste regulations? (265.14(a)(2)) [3745-65-14(A)(2)]

<u>BOTH</u> 3a AND 3b ARE "HO", MARK QUESTIONS 4 AND 5 "NOT APPLICABLE"

- . The facility has -
- a) A 24-hour surveillance system, or
- An artificial or natural barrier and a means to control entry at all times (265.14(b)(2)). [3745-65-14(B)(2)(a and b)]
- The facility has a sign "Danger-Unauthorized Personnel Keep Out" at each entrance to the active portion of the facility and at other locations as (265-14(c)) [3745-65-14(C)] necessary. 5

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The operator has developed and followed a comprehensive, written inspection plan and documented the inspections, malfunctions and any remedial actions taken in an operating record log which is kept for at least three years. (265.15) [3745-65-15]

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- storage areas, etc.) are inspected daily when in use and according to other Areas subject to spills (1.e., loading and unloading areas, container applicable regulations when not actively in use. (265.15(b)(4)) [3745-65-15(8)(4)] $\widehat{\Delta}$
- The facility has provided a Personnel Training Program in compliance with Section 265.16(a)(b)(c) including instruction in safe equipment operation and providing an annual training program refresher course. [3745-65-16(A)(B)(C)] emergency response procedures, training new employees within 6 months and
- written job titles, job descriptions and documented employee training records. The facility keeps all records required by Section 265.16(d)(e) including [3745-65-16(D)(E)] Θ.
 - If required due to the actual hazards associated with Ignitable, Reactive or incompatible waste materials, the facility meets the following requirements: (Section 265.17) [3745-65-17] 9.
- protection from sources of ignition. a)
- physical separation of incompatible waste materials. (q
- "No Smoking" or "No Open Flames" signs near areas where Ignitable or Reactive wastes are handled. Ç
- Any comingiing of waste materials is done in a controlled, safe manner as prescribed by Section 265.17(b). [3745-65-17(B)] 0

Revised 12/84

Yes

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Subpart C: Preparedness and Prevention

Has there been a fire, emplosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31]

If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32) [3745-65-32(A)(B)(C)(D)] ..

-) Internal alarm system.
- Access to telephone, radio or other device for summoning emergency assistance. <u>=</u>
- c) Portable fire control equipment.
- Water of adequate volume and pressure via hoses sprinkler, foamers or sprayers. 9
 - All required safety, fire and communications equipment is tested and maintained as necessary; testing and mainienance are documented. (265.33) [3745-65-33] ۳,
- If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34) [3745-65-34]
 - If required due to the actual hazards associated with the waste material, adequate alsle space to allow unobstructed movement or emergency or spill control equipment ls maintained. (265.35) [3745-65-35]

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- service authorities to familiarize them with the possible hazards and the facility If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency [3745-65-37(A)] layout. (265.37(a)) . و
 - into any proposed special arrangements or agreements the refusal has been Where state or local emergency service authorities have declined to enter documented. (265.37(b)) [3745-65-37(B)]

Revised 12/84

JULY 1,1986 (Revised 2/87)

Subpart D: Contingency and Emergency

The facility has a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes (265.51) [3745-65-52(A)(B)(C)(D)(E)] and contains the following components:

- Actions to be taken by personnel in the event of an emergency incident. a)
- Arrangements or agreements with local or state emergency authorities.
- Hames, addresses and telephone numbers of all persons qualified to act as emergency coordinator. 7
- A list of all emergency equipment including l<u>ocation</u>, physical description and outline of capabilities. P
- If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(F)] (a)
- A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all local and state emergency service authorities that might be required to participate in the execution of the plan. (265.53) [3745-65-53(A)(B)]
 - The plan 1s revised in response to facility, equipment and personnel changes or failure of the plan. (265.54) [3745-65-54]
- authority to implement all aspects of the Contingency Plan. (265.56) [3745-65-55] familiar with all aspects of site operation and emergency procedures and has the An emergency coordinator is designated at all times (on-site or on-call) is
 - of the notifications deemed necessary under Sections 265.56(a-j). [3745-65-56(A-J) If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all 2

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Revised 12/84

Subpart E: Manifests/Records/Reporting

THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH ON-SITE AND OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES. HOTE:

- The operator maintains a written operating record at his facility as required by Section 265.73 [3745-65-73(A)] which contains the following information:
- Description and quantity of each hazardous waste treated, stored or disposed of within the facility and the date(s) and method(s) pertinent to such treatment, storage or disposal. (265.73(b)(1)) [3745-65-73(B)(1)] (e
 - Common name, EPA Hazardous Waste Identification Number and physical state (llquld, solld, gas) of the waste(s). <u>a</u>
- The estimated (or actual) weight, volume or density of the waste material(s) ()
 - A description of the method(s) used to treat, store or dispose of the waste(s) using the EPA Handling Codes listed in 45 FR 33252 (May 19, 1980). 9
 - The present physical location of each hazardous waste within the facility. (a
 - FOR DISPOSAL FACILITIES, the location and quantity of each hazardous waste recorded on a map of the facility and cross-references to any pertinent manifest document number(s). (265.73(b)(2)) [3745-65-73(B)(2)] Ç
 - Records of any waste analyses and trial tests required to be performed. 6
 - Records of the inspections required under Section 265.15 [3745.65.14] (General Inspection Requirements - Subpart B). $\overline{=}$
- Records of any monitoring, testing or analytical data required under other Subparts as referenced by Section 265.73(b)(6). [3745-65-73(B)(6)] 7
 - Records of Closure cost estimates and Post-Closure (DISPOSAL ONLY) cost estimates required under Subpart G. 7

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GROUND WATER MONITORING SUBPART F:

Walved

Unknown

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Type of facility: (check appropriately)

- surface impoundment
- landfill c(a)
- land treatment facility

PLEASE NOTE, HOWEVER, THAT IF ANY HAZARDOUS WASTE * CME has UNDER INTERIM STATUS STANDARDS A WASTE PILE IS NOT SUBJECT TO GROUND WATER FROM A WASTE PILE IS LEFT IN PLACE AT CLOSURE, THE "WASTE PILE" BECOMES A "LANDFILL" AND MUST MEET POST-CLOSURE RULES APPLICABLE TO LANDFILLS. MONITORING REQUIREMENTS. NOTE:

done

<u> Ground Water Monitoring Program</u>

- Was the ground water monitoring program reviewed prior to site visit?
- Was the ground water program reviewed at the facility prior to site inspection? a)
- Has a ground water monitoring program (capable of determining the facilliy's impact on the quality of ground water in the uppermost aquifer underlying the facility) been implemented? 265.90(a) [3745-65-90(A)] ۲,
- lias at least one monitoring well been installed in the uppermost aquifer hydraulically upgradient from the limit of the waste management area? 265.91(a)(1) [3745-65-91(A)(1)] 3
- Are ground water samples from the uppermost aquifer, representative of background ground water quality and not affected by the facility (as ensured by proper well number, location and depths)? a)

Yes . 110

Subpart G: Closure and Post-Closure

THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH DISPOSAL AND NON-DISPOSAL FACILITIES. HOTE:

- A written Closure Plan is on file at the facility and contains the following elements: (Section 265.112) [3745-66-12]
- A description of how and when the facility will be closed. (265.112(a)(1)) [3745-66-12(A)(1)]a)
- A description of how any of the <u>applicable</u> closure requirements in other Subparts of Section 265 [3745-66] (Tanks, Surface Impoundments, Landfill, etc.) will be carried out. <u>a</u>
- in storage at the facility. (NOTE: Maximum inventory should agree with An estimate of the maximum amount of hazardous wastes being treated or the permit.) G
- A description of steps taken to decontaminate facility equipment. Ŧ
- The year closure is expected to begin and a schedule for the various phases of closure. (e)
- The Closure Plan has been amended within 60 days in response to any changes in facility design, processes or closure dates. (265.112(4)(B)) [3745-66-12(B)] in facility design, processes or closure dates. 5
- The Closure Plan has been submitted to the Regional Administrator/Director 180 days prior to beginning the Closure process. (265.112(4)(C)) [3745-66-12(C)]

CLOSURE AND POST-CLOSURE - 1

Remark #

S

2

Yes

The operators has submitted an annual Treatment-Storage-Disposal Operating Report (by March 1) containing all of the operating information required under Section 265.75. [3745-65-75] HOTE: THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO ONLY OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

- Hanifests received by the facility are signed and dated; one copy is given to the transporter, one copy is sent to the generator within 30 days and one copy 1s kept for at least 3 years. (265.71) [3745-65-71(A) 3.
- If shipping papers are used in lieu of manifests (bulk shipments, etc.) (265.71(b)) [3745-65-71(B)] the same requirements are met. **a**)
- b) Any significant discrepancies in the manifest, as defined in Section 265.72(a) [3745-65-72(A)] are noted in writing on the manifest document. (265.71(a)(2)) [3745-65-71(A)(2)]
- Section 265.72(b) or the operator has submitted the required information to the Any manifest discrepancies have been reconciled within 15 days as required by Regional Administrator/Director. [3745-65-72(B)]
- disposal an unmanifested waste report containing all the information required If the facility has accepted any unmanifested hazardous wastes from off-site by Section 265.76 has been submitted to the Regional Administrator/Director sources (except from small quantity generators) for treatment, storage, or within 15 days. [3745-65-76(A)] δ.

Remark

읦

Yes

Subpart II: Financial Requirements

- The owner or operator of the facility has established financial assurance for closure by use of one of the following: (265.143) [3745-66-43]
- a) A closure trust fund, or
- b) A surety bond, or
- c) A closure letter of credit, or
- d) A combination of financial mechanisms.
- A written cost estimate for closure of the facility (as specified in the closure plan) is available. How much is it? 2.
- 3. When was the most recent estimate made?
- A written cost estimate for post closure care of the facility (if applicable) is available. How much is it?
- . When was the most recent estimate made?

REVIEWED BY OEPA-CL

GENERAL INTERIM STATUS REQUIREMENTS

REMARKS.

Subpart I: Management of Containers

Remark #

N/N

Yes No

Yes

Surface Impoundments Subpart K:

- of freeboard and has a structural containment system adequate to contain the The Surface Impoundment 1s designed to operate with at least 2 feet (60 cm.) waste mater1al. (265.222) [3745-67-22]
- Earthen structural containment systems are equipped with protective cover such as grass, shale or rock to minimize erosion from wind and water. (265.22) [3745-67-23] ۲,
- each operating day, the structural containment system is inspected at least once The level of freeboard in the Surface Impoundment is inspected at least once per week and all such inspections are documented. (265.226) [3745-67-26]
- Whenever Surface Impoundments are used to treat or store wastes substantially processes are used in the Surface Impoundment, the facility has insured the different from previous wastes or when substantially different treatment safety of such changes. (265.225) [3745-67-25]
- wastes are placed in Surface Impoundments the facility has insured the safety With the exception of emergency situations, whenever Ignitable or Reactive of the operation by treating the waste immediately after placement in the Surface Impoundment so that it is no longer Ignitable or Reactive. (265.229 and 265.17(b)) [3745-67-29 and 3745-65-17] 2
- unless it is done in compliance with the safety requirements of Section Incompatible materials are never placed in the same Surface Impoundment 265.17(b) [3745-65-17]. (265.230) [3745-67-30] ė
- WASTE MATERIALS, THE SURFACE IMPOUNDMENT IS SUBJECT TO THE POST-CLOSURE CARE AND GROUNDWATER MONITORING REQUIREMENTS SPECIFIED IN SUBPART G FOR DISPOSAL FACILITIES AND SUBPART N, SECTION 265.310 [3745-68-10] IF THE OPERATOR ELECTS NOT TO EXEMPT THE SURFACE IMPOUNDMENT FROM FURTHER REGULATIONS BY REHOVING ALL FOR LANDFILLS. (265.228) [3745-67-28(C)] NOTE:

Revised 12/84

RCRA LAND DISPOSAL RESTRICTION INSPECTION

| Facility: | United Musical | | | | | |
|------------|---|--|--|--|--|--|
| U.S. EPA | I.D. No.: 04D004-153-854 | | | | | |
| Street: | 33999 Curtis Blud, Box 48 | | | | | |
| City: | Eastlake State: Ohio Zip Code: 4694 | | | | | |
| Telephone | (216) 946-6100 | | | | | |
| Operator: | same | | | | | |
| Street: | | | | | | |
| City: | State: Zip Code: | | | | | |
| Telephone | | | | | | |
| Owner: | Skane-Gripen's % United Musical | | | | | |
| Street: | 1000 Industrial Parkway | | | | | |
| City: | ElKhart State: Indiana Zip Code: 46515 | | | | | |
| Telephone | (219) 295-279 | | | | | |
| Inspection | Date: B19188 Time: 9:30 - AM Weather Conditions: hot & Sunny 295 | | | | | |
| | Name Affiliation Telephone | | | | | |
| Inspectors | Paul Anderson " | | | | | |
| Facility R | Facility Representatives: Lack Haynes Corp Director 946-610 | | | | | |
| er o | RCRA Status F-Solvent California List (PSSSIBLY) Transporter Treater Storer Disposer | | | | | |

INSPECTION SUMMARY

- Notification is provided for Fool

Solvents TC#+ 111 TCA.

- Notification is not provided for a

desoldering alkaline waste containing

total Phr > 1250 ppm.

Notification is not provided for

the Fool studge which also

Contains heavy metalo (I have

requested an Analysis)

RCRA LAND DISPOSAL RESTRICTION INSPECTION APPLICABILITY CHECKLIST

| Docs | the f | acility has | adle the followi | ng wastes? | | | | |
|-----------|-------------|---|-----------------------------|------------|-------------|-------------|-------------|--------|
| | | | | Gen. | Treat | Store | Disp. | Trans. |
| A. | F-So | lvent Wast | <u>es</u> | _ | | | | |
| | i. | F001 | | | | | | |
| | 2. | F002 | | | | | | |
| | 3. | F003 | | | | | | |
| | 4. | F004 | | | | **** | | |
| | 5. | F005 | | | | | | |
| | | Note: | Use Appendix misclassifying | | | ther the fa | cility is | |
| | | | W. | | | | | |
| В. | <u>Cali</u> | fornia List | <u>Wastes</u> | | | | | |
| | 1. | Liquid hazardous waste (including free liquids associated with any solid or sludge) that contains the following metals at concentrations greater than or equal to those specified | | | | | | |

| | Concentrations greater than or order to the order | | | | | | |
|-----------|---|----------|----------|-------------|-------------|-------------|---------------|
| | | | Gen. | Treat | Store | Disp. | Trans. |
| | Arsenic | 500 mg/L | | | | | |
| | Cadmium | 100 mg/L | | | | | |
| | Chromium VI | | _ | | | | |
| (Total) | Lead ized Dool Mercury | 500 mg/L | <u> </u> | | | | |
| Character | Mercury | 20 mg/L | | | | | |
| | Nickel | 134 mg/L | | | | | |
| | Selenium | 100 mg/L | | | | | . |
| | Thallium | 130 mg/L | | | | | |
| | | | | | | | |

| 2. | Liquid hazardous waste (including free liquids associated with any solid or sludge) that contains free cyanides at concentrations greater than or equal to 1,000 mg/L | | | | | | |
|----|---|--|---|-------------|--------------|--------------|--|
| | | Gen. | Treat | Store | Disp. | Trans. | |
| 3. | Liquid hazardous | waste that has a | pH of less | than or ec | jual to 2.0 | | |
| 4. | Liquid hazardous | waste that conta | | t concentra | itions great | er | |
| | | 500 ppm | *************************************** | | | | |
| | | cility mix liquid ! Bs with other typ | | | | | |
| | | Yes | N | To | NA | | |
| | If yes, state | reasons for mixi | ng: | | | | |
| 5. | Liquid hazardou greater than or e than 10,000 mg/l | s waste that is pri qual to 1,000 mg/ | marily wat L (dilute H | ter and tha | t contains : | HOCs less | |
| | | bitions of 268.32(a ject to the solvent | | | | | |

RCRA LAND DISPOSAL RESTRICTION INSPECTION

GENERATOR CHECKLIST

GENERATOR REQUIREMENTS

| Ì | F-Solvent Wastes: Does the generator correctly determine the appropriate treatability group of the waste? |
|---|--|
| | Yes No NA |
| | If yes, check the appropriate treatability group. |
| | Wastewaters containing solvents (less than or equal to 1% TOC by weight) Pharmaceutical wastewater containing spent methylene chloride All other spent solvent wastes |
| • | California List Wastes: Does the generator correctly determine the appropriate treatment standard of the waste? |
| | a. For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 50 but less 500 ppm, is the treatment in accordance with existing TSCA thermal treatment regulations for burning in high efficiency boilers (40 CFR 761.60) or incineration (40 CFR 761.70)? |
| | Yes No NA |
| | If yes, specify the method: |
| | b. For liquid hazardous waste that contains PCBs at concentrations greater than or equal to 500 ppm, is the waste incinerated or disposed of by other approved alternate methods (40 CFR 761. 60 (e))? |
| | Yes No NA |
| | If yes, specify the method and state whether the facility has submitted a written request to the Regional Administrator or Assistant Administrator for an exemption from the incineration requirement: |

| В. | W | ast | e / | Anai | vsis |
|----|---|-----|-----|------|------|
| | | | | | |

ı.

2.

| F-\$0 | olvent Wastes |
|-------|--|
| a. | Does the generator determine whether the F-solvent waste exceeds treatment standards? |
| | |
| | How was this determination made? |
| | - Knowledge of waste |
| | |
| | If yes, note how this is adequate: Sample Sent to |
| | - TCLP Yes No |
| | If yes, provide the date of last test, the frequency of testing, and note any problems. Attach test results. |
| | |
| b. | Does the F-solvent waste exceed applicable treatability group treatment standards upon generation [268.7(a)(2)]? |
| | Yes No · NA |
| | If yes, specify the waste stream: Fool |
| c. | Does the generator dilute the F-solvent waste as a substitute for adequate treatment [268.3]? |
| | Yes No NA |
| d. | How does the generator test F-solvent waste when a process or waste stream changes? Does not change |
| | |
| | |
| Cai | fornia List Wastes |
| a. | Does the generator determine whether the waste is a liquid according to the Paint Filter Liquids Test (PFLT method 9095) as described by SW-846? |
| | Yes No NA |
| | 6 Revised 11-03-87 |

| ь. | | e waste is determined to be a liquid according to PFLI. For For |
|------------|----------------------|---|
| | | Yes No NA Cons |
| | What Chec adde | t type of absorbent is used? <u>lime Kiln dust</u> ck the types of waste to which absorbent is cd. Liquid hazardous waste having a pH less than or equal to 2 |
| | | Liquid hazardous waste containing HOCs in concentrations greater than or equal to 1,000 mg/L, but less than 10,000 mg/L |
| | | Liquid hazardous waste containing metals Fools (Not Food |
| | _ | Liquid hazardous waste containing free cyanides |
| 3. | extra level | s the generator determine whether the concentration levels (not act or filtrate) in the waste equal or exceed the prohibition is or whether the waste has a pH of less than or equal to 2.0 d on: |
| | - | Knowledge of wastes |
| | | Yes No NA |
| | | If yes, note how this is adequate: |
| | • | Testing Yes No NA |
| | | If yes, list test method used: |
| 1. | Does exce | s the generator determine if concentration levels in PFLT extract ed cyanide and metals concentration levels? |
| | | Yes No NA |
| | - | If yes, list test method used and constituent and concentration levels that exceeded prohibition levels: |
| | | |
| : . | | s the generator dilute the waste as a substitute for adequate tment [268.3]? |
| | | Yes No NA |
| | | |

| c. | <u>Man</u> | agement . |
|----|------------|---|
| | 1. | On-Site Management |
| | | Is waste that exceeds the treatment standards treated, stored, or disposed on-site? |
| | | Yes No |
| | | If yes, the TSD Checklist must be completed. |
| | 2. | Off-Site Management |
| | | a. Does the generator ship any waste that exceeds the treatment standards to an off-site treatment or storage facility? Yes No |
| | | If yes, does the generator provide notification to the Fool treatment or storage facility [268.7(a)(1)]? For F Solvent, not Yes No for Pb Waste > Doo. |
| | | If yes, does notification contain the following? |
| | | EPA Hazardous waste number(s) Yes No |
| | | Applicable treatment standardsYes No |
| | | Manifest number Yes No |
| | | Waste analysis data, if available Yes No |
| | | Identify off-site treatment or storage facilities: Fool Van Walters and Rogers, Ph Waste-Envirite (Dv02) |
| | | b. Does the generator ship any waste that meets the treatment standards to an off-site disposal facility? |
| | | Yes No Possibly If yes, does the generator provide notification and |
| | | certification to the disposal facility [268.7(a)(2)]? For California list wastes |

| | If yes, does notification contain the following? |
|-------------|--|
| | EPA Hazardous waste number(s) Yes No |
| | Applicable treatment standards Yes No |
| | Manifest number Yes No |
| | Waste analysis data, if available Yes No |
| | Certification that the waste meets treatment standards Yes No |
| | Identify off-site land disposal facilities: |
| c. | (e.g., solvent-water mixtures less than 1%), extension (268.5), or petition (268.6), does the generator provide notification to the off-site disposal facility that the waste is exempt from land disposal restrictions [268.7(a)(3)]? |
| | Yes No NA |
| (i.c., boil | nt Using RCRA 264/265 Exempt Units or Processes ers, furnaces, distillation units, wastewater nt tanks, elementary neutralization, etc.) |
| | |
| Are | e treatment residuals generated from units or processes exempt der RCRA 264/265? YesNo |



State of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road Twinsburg, Ohio 44087-1969 (216) 425-9171



Richard F. Celeste Governor

September 15, 1987

RE: KING MUSICAL INSTRUMENTS
(UNITED MUSICAL
INSTRUMENTS USA, INC.)
LAKE COUNTY
OHD 004-153-854

Mr. Jack Haynes United Musical Instruments USA, Inc. 33999 Curtis Blvd. Box 48 Eastlake, Ohio 44094

Dear Mr. Haynes:

Thank you for the courtesy extended during the inspection Teresa Sabol and I conducted on September 3, 1987. Your facility was inspected for compliance with the State and Federal Hazardous Waste Regulations.

A copy of the inspection report is enclosed for your information. The report indicates that your hazardous waste program is deficient in the following areas:

- 1. Personnel Training Although you conducted a training program for your personnel involved in hazardous waste in February of 1987, you do not have a written documentation of that event. (CFR 40 Section 262.34 and ORC 3745-52-34(A)(4))
- 2. In the matter of your surface impoundments, although these facilities are closed and capped, until you receive the final determination that the units are officially closed from U.S. EPA and Ohio EPA, they are still subject to the applicable State and Federal Hazardous Waste Regulations. The inspection report indicates that the requirements of the regulations relating to the surface impoundments are no longer being met. These matters, however, are being addressed through the U.S. EPA Consent Order and Final Agreement of May 4, 1987. We understand you are currently awaiting the P.E. Certification for your closure as well as sample results from your groundwater monitoring wells collected on August 25, 1987.

Regarding item #1 above, we have received your training record log and you are now in compliance with applicable generator regulations.

King Musical Instruments September 15, 1987 Page -2-

Regarding item #2 above, please notify the N.E. District Office and Central Office (Dan Fisher, Division of Solid and Hazardous Waste) of Ohio EPA of all closure actions as they occur.

If questions arise, please feel free to contact me.

Sincerely,

Dave N. Wertz

Unit Supervisor

Division of Solid and Hazardous Waste

Management

DNW/sp

Enclosure

cc: Dave Sholtis, DSHWM, Central Office Dan Fisher, DSHWM, Central Office

| 1.5. EPA 1.0. # OHD CO4.153 854 1.6. EPA 1.0. # OHD CO4.153 854 Telephone: 316-946-6100 (Telephone) (Telephone) | 716-425-9171 1719-35-9171 | were reviewed. Waste Piles S03 Land Treatment D81 Landfills D80 Chemical/Physical/ Biological T04 Groundwater Monitoring Post-Closure Revised 12/84 |
|---|-------------------------------------|---|
| WMENTS 11.5.A. INC. 339919 CURAS BLVD, BOX 48 COUNTY: LANKE TELE INSPECTION PARTICIPANT(S) (TITLE) (TITLE) | LANT SWIPERUISOR | If the site is a TSDF, check the boxes indicating which areas were reviewed and prevention, contingency and Emergency General Facility Standards, Preparedness |
| GENERAL INFORMATION LINITED MUSICAL INSTRICTS FACILITY: KING MUSICAL INSTRUMENTS Address: State: OHIO ZIP CODE: HHOTH (Name) 1. SACK HAYNES COR. | 1. DAVID LUERTZ 2. TRRESA SABOL- | 3. Mark One ". Generator only (G) [7] Transporter (T) [7] TSDF only [7] G-T [6-TSDF [7] G-T-TSDF |

1. Has the facility submitted a Part A to Ohio?

2. If "yes", is it complete and accurate?

3. Has the facility submitted a Part B?

IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM. Was advance notice of the inspection given? If so, how far in advance?

Yes No N/A Remark #

PERMIT, USE THE RCRA STATUS INSPECTION FURM.

REMARKS, GENERAL INFORMATION Include a brief description of site activity and waste handling.

TO TREAT WASTES FORMERLY HANDLED BY THE SUPFACE IMPOUNDMENT JOOZ DE-SALDETLING FLIXID 15 STEPED IN YOUNG < 90 damp - A NEW WASTEWATER SYSTEM IS NOW INSTALLED & OPERATING

THEN SENT TO ENVIRITE.

- SAMPLING RESULTS FROM SAMPLES COLLECTED ON ALGUST 35, 1987. PACILITY IS AWAITING P.E. CERTIFICATION AND GROWND WATER THE SURPACE IMPOUNDMENTS APE CLOSED & CAPPICD AND THE
- CLOSURE AND GROWNDWATER ISSUES ARE CONTINUING PURSUANT TO A FEDERAL CONSENT AGREEMENT AND FINAL URDER OF MAY 4, 1987,

Remark#

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Yes

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|) GENERATOR REQUIREMENT |
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| 45-52) |
| 3745 |
| ` ' |
| 62 (OAC |
| 262 (|
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| CFR |
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| 4 |

| 2. | 2. Does this facility generate any hazardous wastes that are excluded from | |
|----|--|--|
| | regulation under Section 261.4 [3745-51-04] (statutory exclusions) of | |
| | Section 261.6 [3745-51-06(A)(1)] (recycle/reuse)? | |

The generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest:

- has/will'designate an alternate facility or instructions to return waste in The generator has designated at least one permitted disposal facility and compliance with Section 262.20 [3745-52-20(B)(C)(D)].
- Prepared manifests have been signed by the generator and initial transporter in compliance with Section 262.23 [3745-52-23(A)(1 and 2)]. G
- The generator has complied with manifest exception reporting requirements (investigate after 35 days, report after 45 days) in Section 262.42(a)(b) 3745-52-42]. ÷
- Signed copies of all hazardous waste manifests and any documentation required for Exception Reports are retained for at least 3 years as required by Section 262.40 [3745-52-40]. (262.40(a)) [3745-52-40(a)] (i)

Der 2000 2000 De

Remark

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Yes

| ts: |
|---|
| t requirement |
| generator mea's the following hazardous waste pre-transport requireme |
| waste |
| hazardous |
| following |
| the: |
| me 2.'s |
| generator |
| The |

5

- prior to offering hazardous wastes for transport off-site the waste material 1s packaged, labeled and marked in accord with applicable DOT regulations (Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32] (P
- prior to offering hazardous wastes for transport off-site each container with a capacity of 110 gailons (416 liters) or less is affixed with a completed hazardous waste label as required by Section 262.32(b) [3745-52-32]. 4
- properly placard the initial transporter of the waste material in compliance The generator meets requirements for properly placarding or offering to with Section 262.33 [3745-52-33]. G
- Hazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50] ė
- tanks for 90 days or less without a RCRA storage permit as provided under If the generator elects to store hazardous waste on-site in <u>containers</u> or Section 262.34 [3745-52-34], the following requirements with respect to such storage are met:
- The containers are clearly marked with the words "Hazardous Waste". æ
- The date that accumulation began is clearly marked on each container.
- equipment operation and emergency response procedures, training new employees Section 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including instruction in safe The generator has provided a Personnel Training Program in compliance with within 6 months and providing an annual training program refresher course. (Section 262.34) [3745-52-34(A)(4)] 8
- [3745-65-16(D)(E)] Including written job titles, job descriptions and documented The generator keeps all of the records required by Section 265.16(d)(e) employee training records (Section 262.34) [3745-52-34(A)(4)]. 6

Thurman Con Director in Fellinson, 1837 No Training necond for Video alw)

Revised 12/84

GENERATOR

SHORT-TERM STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARIS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES BE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM.

NOTE:

GENERATOR REQUIREMENTS REMARKS,

ARE FOR SURFACE (MPONIDMENTS

Remark#

2

2

Yes

40 CFR 265 (OAC 3745-65-et seq.) GENERAL INTERIM STATUS REQUIREMENTS AND TSD REQUIREMENTS

- The operator has a detailed chemical and physical analysis of the waste material containing all of the information which must be known to properly treat or store the waste as required by Section 265.13(a) [3745-65-13(A)(1)]
- parameters, test methods, sampling methods, testing frequency and responses to any process changes that may affect the character of the waste. The operator has a written waste analysis plan which describes analytical (Section 265.13(b)) [3745-65-13(B)] ູ່
- Would physical contact with the waste structures or equipment injure unknowing/unauthorized persons or livestock entering the facility? (265.14(a)(1)) [3745-65-14(A)(1)] **a دى**
- Would disturbance of the waste cause a violation of the hazardous waste regulations? (265.14(a)(2)) [3745-65-14(A)(2)] 9

BOTH 3a AND 3b ARE "NO", MARK QUESTIONS 4 AND 5 "NOT APPLICABLE". 4

- . The facility has -
- a) A 24-hour surveillance system, or
- An artificial or natural barrier and a means to control entry at all times (265.14(b)(2)). [3745-65-14(B)(2)(a and b)]
- The facility has a sign "Danger-Unauthorized Personnel Keep Out" at each entrance to the active portion of the facility and at other locations as necessary. (265-14(c)) [3745-65-14(C)] ъ.

| The Impouldment are closed | and have | | Not Certified | |
|----------------------------|----------|---|---------------|---|
| | A | A | | |
| | ! | | 7 | \ |
| | | | | |

mints only

Remark#

∑

Yes

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The operator has developed and followed a comprehensive, written inspection plan and documented the inspections, malfunctions and any remedial actions taken in an operating record log which is kept for at least three years. [265.15] [3745-65-15] a)

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- storage areas, etc.) are inspected daily when in use and according to other Areas subject to spills (i.e., loading and unloading areas, container applicable regulations when not actively in use. (265.15(b)(4)) [3745-65-15(B)(4)]
- Section 265.16(a)(b)(c) including instruction in safe equipment operation and providing an annual training program refresher course. [3745-65-16(A)(B)(C)] The facility has provided a Personnel Training Program in compliance with emergency response procedures, training new employees within 6 months and
- written job titles, job descriptions and documented employee training records. The facility keeps all records required by Section 265.16(d)(e) including [3745-65-16(0)(E)] 8
- If required due to the actual hazards associated with Ignitable, Reactive or incompatible waste materials, the facility meets the following requirements: (Section 265.17) [3745-65-17] 6
- a) Protection from sources of ignition.
- b) Physical separation of incompatible waste materials.

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- "No Smoking" or "No Open Flames" signs near areas where Ignitable or Reactive wastes are handled. G
- Any cominging of waste materials is done in a controlled, safe manner as prescribed by Section 265.17(b). [3745-65-17(B)] Ŧ

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GENERAL FACILITY STANDARDS - 2

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Yes No N/A Remark #

Subpart D: Contingency and Emergency

- The facility has a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes (265.51) [3745-65-52(A)(B)(C)(D)(E)] and contains the following components:
- Actions to be taken by personnel in the event of an emergency incident. æ
- Arrangements or agreements with local or state emergency authorities. þ
- Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator. ာ
- A list of all emergency equipment including location, physical description and outline of capabilities. ê
- If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(F)] (e)
- required to participate in the execution of the plan. (265.53) [3745-65-53(A)(B)] A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all local and state emergency service authorities that might be ς.
- The plan is revised in response to facility, equipment and personnel changes or failure of the plan. (265.54) [3745-65-54] ۳,
- [3745-65-55] familiar with all aspects of site operation and emergency procedures and has the An emergency coordinator is designated at all times (on-site or on-call) is authority to implement all aspects of the Contingency Plan. (265.56)
- of the notifications deemed necessary under Sections 265.56(a-j). [3745-65-56(A-J) If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all δ.

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Yes No

Subpart C: Preparedness and Prevention

- Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31]
- If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32) [3745-65-32(A)(B)(C)(D)] 2
- a) Internal alarm .ystem.
- Access to telephone, radio or other device for summoning emergency assistance.
- c) portable fire control equipment.
- Water of adequate volume and pressure via hoses/sprinkler,)foamers or sprayers.
- All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33) [3745-65-33] ы. .
- If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34) [3745-65-34]
- aisle space to allow unobstructed movement or emergency or spill control equipment If required due to the actual hazards associated with the waste material, adequate 1s maintained. (265.35) [3745-65-35]
- service authorities to familiarize them with the possible hazards and the facility layout. (265.37(a)) [3745-65-37(A)] If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency ģ.
- into any proposed special arrangements or agreements the refusal has been Where state or local emergency service authorities have decilned to enter documented. (265.37(b)) [3745-65-37(B)]

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Subpart C: Preparedness and Prevention

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| . Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31] |
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- If required due to actual hazards associated with the waste material, the facility has the following equipment: (265.32) [3745-65-32(A)(B)(C)(D)]
- a) Internal alarm system.
- Access to telephone, radio or other device for summoning emergency assistance. 9
- c) portable fire control equipment.
- Water of adequate volume and pressure via hoses sprinkler, foamers or sprayers.
- All required safety, fire and communications equipment is tested and maintained as necessary; testing and mainlenance are documented. (265.33) [3745-65-33]
 - If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when hazardous waste is being physically handled. (265.34) [3745-65-34]
- If required due to the actual hazards associated with the waste material, adequate aisle space to allow unobstructed movement or emergency or spill control equipment 1s maintained. (265.35) [3745-65-35] 5
 - service authorities to familiarize them with the possible hazards and the facility If required due to the actual hazards associated with the waste material, the facility has attempted to make appropriate arrangements with local emergency layout. (265.37(a)) [3745-65-37(A)]

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Where state or local emergency service authorities have declined to enter into any proposed special arrangements or agreements the refusal has been documented. (265.37(b)) (3745-65-37(B)]

PREPAREDNESS AND PREVENTION - 1

Yes

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Subpart D: Contingency and Emergency

The facility has a written Contingency Plan designed to minimize hazards from fire, explosions or unplanned releases of hazardous wastes (265.51) [3745-65-52(A)(B)(C)(U)(E)] and contains the following components:

Actions to be taken by personnel in the event of an emergency incident.

Arrangements or agreements with local or state emergency authorities.

Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator. C

A list of all emergency equipment including location, physical description and outline of capabilities.

If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(f)] (i)

A copy of the Contingency Plan and any plan revisions is maintained on-site and has been submitted to all local and state emergency service authorities that might be required to participate in the execution of the plan. (265.53) [3745-65-53(A)(B)]

The plan 1s revised in response to facility, equipment and personnel changes or failure of the plan. (265.54)

authority to implement all aspects of the Contingency Plan. (265.56) [3745-65-55] familiar with all aspects of site operation and emergency procedures and has the An emergency coordinator is designated at all times (on-site or on-call) is

of the notifications deemed necessary under Sections 265.56(a-j). [3745-65-56(A-j) If an emergency situation has occurred, the emergency coordinator has implemented all or part of the Contingency Plan and has taken all of the actions and made all 5.

There comment apply to the Surface impounding

Yes . No N/A Remark #

Subpart E: Manifests/Records/Reporting

RCRA INTERIM STATUS INSPECTION FORM

THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH ON-SITE AND OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES. NOTE:

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| written | 13(A)] wh |
| maintains a | 3 [3745-65-7 |
| l. The operator maintains a written operating record at his facility as required by | Section 265.73 [3745-65-73(A)] which contains the following inf |
| | σ, |

| a) Description and quantity of each hazardous waste treated, stored or disposed | of within the facility and the date(s) and method(s) pertinent to such | treatment, storage or disposal. (265.73(b)(1)) [3745-65-73(B)(1)] |
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| used to tr | 1sted in 45 |
| d) A description of the method(s) used to treat, store or dispose of the waste(s) | landling Codes 1 |
| A description o | using the EPA |
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| Records of Closure cost estimates and Post-Closure (DIS) | |
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Revised 12/84

MANIFESTS/RECORDS/REPORTING -

| • | | Yes |
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| 0, | The operators has submitted an annual Treatment-Storage-Disposal Operating Report (by March 1) containing all of the operating information required | |

2

THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO ONLY OFF-SITE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

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- Manifests received by the facility are signed and dated; one copy is given to the transporter, one copy is sent to the generator within 30 days and one copy (3745-65-71(A)is kept for at least 3 years. (265.71)
- If shipping papers are used in lieu of manifests (bulk shipments, etc.) (265.71(b)) [3745-65-71(B)] the same requirements are met. a)
- Any significant discrepancies in the manifest, as defined in Section 265.72(a) [3745-65-72(A)] are noted in writing on the manifest document. (265.71(a)(2)) [3745-65-71(A)(2)]
- Section 265.72(b) or the operator has submitted the required information to the Any manifest discrepancies have been reconciled within 15 days as required by Regional Administrator/Director. [3745-65-72(B)]
- disposal an unmanifested waste report containing all the information required If the facility has accepted any unmanifested hazardous wastes from off-site by Section 265.76 has been submitted to the Regional Administrator/Director sources (except from small quantity generators) for treatment, storage, or within 15 days. [3745-65-76(A)] 2

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Unknown

Yes

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Surface durpounds at

Type of facility: (check appropriately)

- surface 1mpoundment e G
 - landfill
- land treatment facility

HONITORING REQUIREMENTS. PLEASE NOTE, HOWEVER, THAT IF ANY HAZARDOUS WASTE FROM A WASTE PILE IS LEFT IN PLACE AT CLOSURE, THE "WASTE PILE" BECOMES A "LANDFILL" AND MUST MEET POST-CLOSURE RULES APPLICABLE TO LANDFILLS. UNDER INTERIM STATUS STANDARDS A WASTE PILE IS NOT SUBJECT TO GROUND WATER NOTE:

Ground Water Monitoring Program

- Was the ground water monitoring program reviewed prior to site visit?
- Was the ground water program reviewed at the facility prior to site inspection? **@**
- Has a ground water monitoring program (capable of determining the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility) been implemented? 265.90(a) [3745-65-90(A)] ~;
- Has at least one monitoring well been installed in the uppermost aquifer hydraulically upgradient from the limit of the waste management area? 265.91(a)(1) [3745-65-91(A)(1)] Б.
- Are ground water samples from the uppermost aquifer, representative of background ground water quality and not affected by the facility (as ensured by proper well number, location and depths)? a)

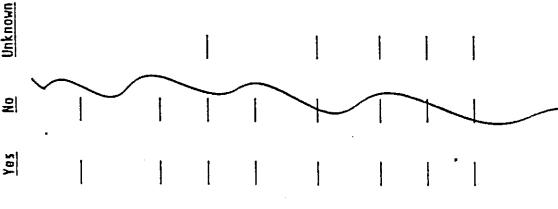
Revised 19/84

Have at least three monitoring wells been installed hydraulically downgradient at the limit of the waste handling or management [3745-65-91(A)(2)] 265.91(a)(2)

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Unknown

- Do well number, locations and depths ensure prompt detection of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer?
- Have the locations of the waste management areas been verified to conform with information in the ground water program? 2
- If the facility contains multiple waste management components, is each component adequately monitored? **₽**
- Do the numbers, locations, and depths of the ground water monitoring wells agree with the data in the ground water monitoring system program? If "No", explain discrepancies. ė
- Well completion details. 265.91(c) [3745-65-91(C)]
- Are wells properly cased? a)
- Are wells screened (perforated) and packed where necessary to enable sampling at appropriate depths?, 9
- Are annular spaces properly sealed to prevent contamination of ground water? C



Yes

Has a ground water sampling and analysis plan been developed?

265.92(a) [3745-65-92(A)]

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a) Has 1t been followed?

Does the plan include procedures and techniques for:

Is the plan kept at the facility?

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Revised 12/84

GROUNDWATER -

measurements obtained at each upgradient well for each sample

obtained during the first year of monitoring? 265.92(c)(2) [3745-65-92(C)(2)]

For each indicator parameter are at least four replicate

Ξ

Parameters used as indicators of ground water contamination? 265.92(b)(2) [3745-65-92(B)(3)]

parameters characterizing the suitability of the ground water as a drinking water supply? 265.92(b)(1) [3745-65-92(B)(1)]

_

a)

Parameters establishing ground water quality?

265.92(b)(2) [3745-65-92(B)(2)]

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3

Are the ground water samples analyzed for the following:

Are the required parameters in ground water samples being tested quarterly for the first year? 265.92(b) [3745-65-92(B)] and 265.92(c)(1) [3745-65-92(C)]

Chain of custody control?

2)

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Analytical procedures?

4

Sample preservation?

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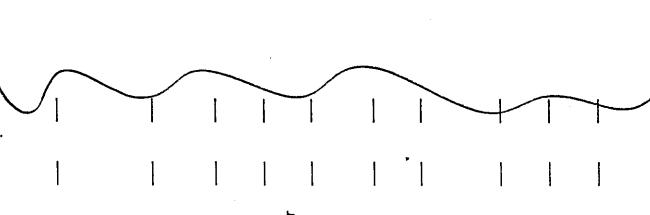
Sample shipment?

3

Sample collection?

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- For facilities which have completed first year ground water sampling and analysis requirements: **Q**
- quality parameters at least annually? 265.92(d)(1) [3745-65-92(D)(1)] Have samples been obtained and analyzed for the ground water
- ground water contamination at least semi-annually? (4 replicate measurements per sample) 265.92(d)(2) [3745-65-92(D)(2)] Mave samples been obtained and analyzed for the indicators of 2
- Were ground water surface elevations determined at each monitoring well each time a sample was taken? 265.92(e) [3745-65-92(E)] C
- Were ground water surface elevations evaluated annually to determine whether the monitoring wells are properly placed? 265.92(f) [3745-65-92(E)] **\$**
- of monitoring wells was necessary, was the system brought into compliance with 265.91(a) [3745-65-91(A)]? 265.93(f) [3745-65-93(F)] If it was determined that modification of the number, location or depth (a)
- 10. Has an outline of a ground water quality assessment program been prepared? 265.93(a) [3745-65-93(A)]
- Does it describe a program capable of determining:
- Whether hazardous waste or hazardous waste constituents have entered the ground water?
- The rate and extent of migration of hazardous waste or hazardous waste constituents in ground water? 5
- Concentrations of hazardous waste or hazardous waste constituents in ground water? 3



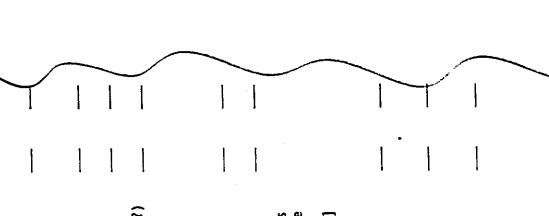
Revised 12/84

Yes

- measurements of each indicator parameter been obtained for samples After the first year of monitoring, have at least four replicate taken for each well? 265.93(b) [3745-65-93(B)] 9
- Were the results compared with the initial background means from the upgradient well(s) determined during the first year?
-) Was each well considered individually?
- Was the Student's t-test used (at the 0.01 level of significance?) $\widehat{\Xi}$
- Was a significant increase (or pli decrease as well) found in the: 2
- Upgradient wells (If "Yes", Compliance Checklist A-2 must also be completed.) [3745-65-93(C)(1)]
- (11) Downgradient wells

If "Yes", owner or operator must obtain, split, and analyze additional samples from the wells where a significant difference was detected. If the difference ground water assessment plan within 15 days. [3735-65-93(C)(2) and (D)(2)(3)] is confirmed, the Director should be notified in writing within 7 days and a

- and (d) [3745-65-92(C) and (D)? 265.94(a)(1) [3745-65-94(A)(1)] 11. Have records been kept of analyses for parameters in 265.92(c)
- Have records been kept of ground water surface elevations taken at the time of sampling for each well? 265.94(a)(1) [3745-65-94(A)(1)] 12.
- 13. Have records been kept of required elevations in 265.93(b) [3745-65-93(B)]? 265.94(a)(1) [3745-65-94(A)(1)]
- 14. Have the following been submitted to the Director of the Ohio EPA: 265.94(a)(2) [3745-65-94(A)(2)]
- [3745-65-92(B)] within 15 days after completing each quarterly analysis Initial background concentrations of parameters listed in 265.92(b) required during the first year?



Revised 12/84

- for each well, have any parameters whose concentrations or values have exceeded the maximum contaminant levels allowed in drinking water supplied been separately identified? 9
- c) Annual reports including: [3745-65-94(A)(2)]
- Concentrations or values of parameters used as indicators of ground water contamination for each well along with required evaluations under 265.93(b) [3745-65-93(B)]?
- Any significant differences from initial background values in upgradient wells separately identified?
- 3) Results of the evaluation of ground water surface elevations?

Comments: Subpart F

4

Yes No N/A Remark #

Subpart G: Closure and Post-Closure

NOTE: THE FOLLOWING REQUIREMENTS ARE APPLICABLE TO BOTH DISPOSAL AND NON-DISPOSAL FACILITIES.

- A written Closure Plan is on file at the facility and contains the following elements: (Section 265.112) [3745-66-12]
- A description of how and when the facility will be closed. (265.112(a)(1)) [3745-66-12(A)(1)](P
- Subparts of Section 265 [3745-66] (Tanks, Surface Impoundments, Landfill, A description of how any of the <u>applicable</u> closure requirements in other etc.) will be carried out.
- in storage at the facility. (NOTE: Maximum inventory should agree with An estimate of the maximum amount of hazardous wastes being treated or the permit.) G
- A description of steps taken to decontaminate facility equipment. Q
- The year closure is expected to begin and a schedule for the various phases of closure. 6

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- in facility design, processes or closure dates. (265.112(4)(B)) [3745-66-12(B)] The Closurë Plan has been amended within 60 days in response to any changes ?
- 180 days prior to beginning the Closure process. (265.112(4)(C)) [3745-66-12(C)] The Closure Plan has been submitted to the Regional Administrator/Director ъ.

Suhmitted Dec. 85 Closune Done June 37

Subpart H: Financial Requirements

Remark #

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Yes

- The owner or operator of the facility has established financial assurance for closure by use of one of the following: (265.143) [3745-66-43]
-) A closure trust fund, or
- b) A surety bond, or
- c) A closure letter of credit, or
- d) A combination of financial mechanisms.
- A written cost estimate for closure of the facility (as specified in the closure plan) is available. How much is it? ۲,
- 3. When was the most recent estimate made?
- A written cost estimate for post closure care of the facility (1f applicable) is available. How much is it?
- 5. When was the most recent estimate made?

REHARKS, GENERAL INTERIM STATUS REQUIREMENTS

Subpart I: Management of Containers

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- a) Closed (265.173) [3745-66-73(A)] b) In good physical condition (265.171) [3745-66-71]
- Compatible with the wastes stored in them (265.172) [3745-66-72] ္
- Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a)) $\{3745-66-73(A)\}$ ۲,
- Hazardous waste containers are stored, handled and opened in a manner which prevents container rupture or leakage. (265.173(b)) [3745-66-73(B)] ر
- The area where containers are stored is inspected for evidence of leaks or corrosion (265.174) [3745-66-74] at least weekly and such inspections are documented.
- Containers holding Ignitable or Reactive waste(s) are located at least 50 feet (15 meters) from the property line and the general requirements for handling such wastes in Section 265.17 (physical separation, signs and safety) are [3745-66-76] met (265.176) S.
- Containers holding hazardous wastes are stored separate from other materials which may interact with the waste in a hazardous manner. (265,177(c)) [3745-66-77(C)] ė.

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| 1 | Subpart K: Surface Impoundments | The Surface Impoundment is designed to operate with at least 2 feet (60 cm.) |

| l. The Surface Impoundment is designed to operate with at least 2 feet (60 cm.) | of freeboard and has a structural containment system adequate to contain the | waste material. (265.222) [3745-67-22] |
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Yes

- Earthen structural containment systems are equipped with protective cover such as grass, shale or rock to minimize erosion from wind and water. [265.22] [3745-67-23]
- each operating day, the structural containment system is inspected at least once The level of freeboard in the Surface Impoundment is inspected at least once per week and all such inspections are documented. (265.226) [3745-67-26] . .
- Whenever Surface Impoundments are used to treat or store wastes substantially processes are used in the Surface Impoundment, the facility has insured the different from previous wastes or when substantially different treatment safety of such changes. (265.225) [3745-67-25]
- wastes are placed in Surface Impoundments the facility has insured the safety With the exception of emergency situations, whenever Ignitable or Reactive of the operation by treating the waste immediately after placement in the Surface Impoundment so that it is no longer Ignitable or Reactive. (265.229 and 265.17(b)) [3745-67-29 and 3745-65-17] 2
- unless it is done in compliance with the safety requirements of Section Incompatible materials are never placed in the same Surface Impoundment 265.17(b) [3745-65-17]. (265.230) [3745-67-30] ė

IF THE OPERATOR ELECTS NOT TO EXEMPT THE SURFACE IMPOUNDMENT FROM FURTHER REGULATIONS BY REMOVING ALL WASTE MATERIALS, THE SURFACE IMPOUNDMENT IS SUBJECT TO THE POST-CLOSURE CARE AND GROUNDWATER MONITORING REQUIREMENTS SPÉCIFIED IN SUBPART G FOR DISPOSAL FACILITIES AND SUBPART N, SECTION 265.310 [3745-68-10] FOR LANDFILLS. (265.228) [3745-67-28(C)]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

DATE:

June 8, 1987

SUBJECT:

Name change for King Musical Instruments, OHD 004-153-854

FROM:

Arthur Kawatachi, Chief

Information Unit

TO:

Bill Muno, Chief

RCRA Enforcement Section

Please be advised that King Musical Instruments, has change their name to UNITED MUSICAL INSTRUMENTS USA, INC. This facility is on the Land Disposal list, and will be changed in HWDMS as soon as possible.

cc: Chaz Miller
Marcie Eskin
George Hamper
Jim Brossman
Fayola Wright
Gladys Beard

P 235.329, 236 MAY 71987

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dale R. Petersen Weil, Freiberg & Thomas, P.C. Suite 617 29 South La Salle Street Chicago, Illinois 60603

> Re: United Musical Instruments, U.S.A., Inc. Docket No. V-M-86-R-75

Dear Mr. Petersen:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by United Musical Instruments, U.S.A., Inc. A fully executed copy of the Consent Agreement and Final Order is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely,

William H. Miner, Chief Mazardous Waste Enforcement Branch

Enclosure

cc: Ed Kitchen Chio Environmental Protection Agency

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D-Resimal Hurmyllah B-Respert B-Cloubly SWERB 4- Secretary

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: |) | Docket No. V-W-86-R-75 |
|---|-------------|---|
| UNITED MUSICAL INSTRUMENTS U.S.A., INC. (formerly KING MUSICAL INSTRUMENTS) 33999 CURTIS BOULEVARD EASTLAKE, OHIO 44094 |))) | CONSENT AGREEMENT AND FINAL ORDER |
| EPA I.D. NO.: OHD 004 153 854 |) | |

On September 12, 1986, a Complaint was filed in this matter pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6928, and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director of the Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is United Musical Instruments U.S.A., Inc. (formerly King Musical Instruments), who owns and operates a facility in Eastlake, Ohio.

The Parties to this action being desirous to settle this action without resort to formal hearing enter into the following stipulations:

- Respondent has been served with a copy of the Complaint with Notice of Opportunity for Hearing in this matter;
- 2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. §6928;
- 3. Respondent owns and operates a facility located at 33999 Curtis Boulevard, Eastlake, Ohio 44094;
- 4. Respondent hereby admits the jurisdictional allegations contained in the Complaint filed in this matter;

- 5. Respondent neither admits nor denies the specific factual allegations contained in the Complaint filed in this matter;
- 6. Respondent explicitly waives its rights to request a hearing on the allegations of the Complaint filed in this matter; and
 - 7. Respondent consents to the issuance of the Order hereinafter recited, and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated.
- 8. Respondent has submitted a closure plan to both U.S. EPA and OEPA. Included in this plan was a proposal to implement a groundwater monitoring program. This closure plan was approved by U.S. EPA on October 15, 1986, (the "Approved Closure Plan").

ORDER

Based upon the foregoing stipulations, the Parties agree to the entry of the following ORDER in this matter:

- A. Respondent shall implement the Approved Closure Plan in accordance with the schedule of implementation contained therein.
- B. Respondent shall within thirty (30) days of the effective date of this Order, address deficiencies concerning the groundwater monitoring program identified in the January 13, 1987, letter from the U.S. EPA.
- C. Respondent shall within thirty (30) days of the installation of groundwater monitoring wells, commence sampling of all RCRA monitoring wells in accordance with the Approved Closure Plan.

- D. Respondent shall within fifteen (15) days of receipt of analytical results, submit copies to both the U.S. EPA and the Ohio Environmental Protection Agency (OEPA) in accordance with the Approved Closure Plan.
- E. Respondent shall notify U.S. EPA in writing upon achieving compliance with this Order or any part thereof. This notification shall be submitted no later than those times stipulated above to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Stephen Clough, RCRA Enforcement Section. A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Edward Kitchen, Division of Solid and Hazardous Waste Management, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216-1049.
- F. Within one year of the effective date of this Consent Agreement and Final Order, Respondent shall pay in full the amount of SIX THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$6,450). Respondent agrees to pay the civil penalty of \$6,450 by making the following installment payments on or before:

| DATE | AMOUNT |
|---|--|
| April 30, 1987 July 30, 1987 October 30, 1987 January 30, 1988 | \$1612.50 \$1612.50 \$1612.50 \$1612.50 |
| 3 | , |

Failure to comply with any requirements of this Order shall subject Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with this Order pursuant to RCRA Section 3008(c). Payment shall be made payable to the Treasurer of the United

States and shall be mailed to the U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel, at the same address.

- G. In the event that Respondent fails to comply with this Consent Agreement and Final Order, the full amount of the proposed penalty (\$11,750), assessed for the alleged violations, shall become immediately due and payable.
- H. Interest shall accrue on any amounts overdue under the terms of this Consent Agreement and Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment handling charge of \$20.00 will be imposed after thirty (30) days, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid installment payment remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety days of the date that said sum is due under the terms of this Consent Agreement and Final Order.
- I. Except as otherwise provided herein, Respondent shall immediately comply with all applicable requirements for generators of hazardous wastes and for treatment, storage, and disposal of hazardous wastes contained in 40 CFR Parts 262 and 265 respectively (Ohio Administrative Code (OAC) 3745-52-10 through 51 and 3745-65-01 through 3745-69-30).

J. Notwithstanding any other provision of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA or other statutory authority should the U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the facility may present an imminent and

substantial endangerment to human health or the environment.

The above Consent Agreement and Final Order consisting of 6 pages is hereby

| consented to by both parties to this proceed | ling. |
|---|----------------------|
| Agreed this 7th day of | <i>April</i> , 1987. |
| United Musical Instruments U.S.A., Inc., Res | spondent |
| by Thomas Burgyaki Title President | |
| Agreed this day of | - Maej , 1987. |
| Basil G. Constantelos, Director Waste Management Division Complainant U.S. Environmental Protection Agency Region V | |
| The above being Agreed and consented to, it | is so ORDERED |
| this day or | f <u>May</u> , 1987. |
| Valdas V. Adamkus Regional Administrator U.S. Environmental Protection Agency Region V | |

| PART I | BACKGROUND | | | | | |
|----------|----------------------------|----------------|-------------------|-----------|----------|--------|
| | Facility Name King Mu | sical Inst | runents | | | |
| | Facility RCRA ID Number Ot | +D 004 1 | 53 854 | | | |
| | Docket Number V-W-86 | -R-75 | | | | |
| | RES Assignee Steve Clo | ugh ORC Ass | signee Jon | Fale | tto | 4 |
| | Summary of Agreement Clo | sure of | surfac | e imp | soundme | t, |
| | implement groun | dwater v | nonitori | ng Pi | rogram | |
| PART II | CONCURRENCES ON DRAFT CAFO | | | | | |
| | | Initials | Date | Agree | Disagree | |
| | RES Assignee | SC | 3-4-87 De 1808 | / | | |
| | Chief, RCRA Enf. Unit | 73 | 3-11-87 | 0 | | |
| | Chief, RCRA Enf. Sect. | WEM | 3-11-87 | _/ | | |
| | Asst. Regional Counsel | JSF | 3-12-87 w | La week | | |
| | Chief, S.W.E.R. Sect. | RIF | 3/20/81 | | | |
| PART III | RETURN TO ORC ASSIGNEE FOR | TRANSMITTAL OF | DRAFT TO TH | E FACILIT | ſΥ | |
| PART IV | FINAL CAFO APPROVAL | | | | | |
| | RES Assignee | SC | 4-9-87 | _ | | |
| | Chief, RCRA Enf. Unit | PH for 3.3 | 4-10-87 | | | |
| | 'Chief, RCRA Enf. Sect. | WEM | 4-17-07 | | - | |
| | Chief, HWEB | 1012 | 4/20/0 | | | |
| | Asst. Regional Counsel | JSF | 4/23/87 | - | / | |
| | Chief, S.W.E.R. Sect. | not | 4/24/81 | | | |
| | Chief, S.W.E.R. Branch | Mh | 4/4/67 | | | |
| | Deputy, Regional Counsel | my | 4/28/87 | | | |
| | Regional Counsel | 9 | 4/28/87 | | / - | |
| | Director, WMD | #E | - 730/8/ | | 0 | entit. |
| | Regional Administrator | | | | | 51187 |

| Company Name: King Musical 1 | nstruments |
|---|--|
| Regulation Violated 40 CFR 262 | .11, 20, 23, 34/ (265.5) -> 53, |
| Regulation Violated 40 CFR 262 Assessments for each violation should be on separate worksheets and totalled. | determined 265.55), 265.174 |
| (If more space is needed, attach se | |
| Part I - Seriousness of Violation | on Penalty |
| 1. Potential for Harm: Mi | nor |
| 2. Extent of Deviation: Ma | jor |
| 3. Matrix Cell Range: 1,5 | 80-2,999 |
| Penalty Amount Chosen: | <u>.750</u> |
| Justification for Penalty mide Amount Chosen: | oint of range |
| 4. Per-Day Assessment: | 2,250 |
| Part II - Penalty Adjustments | |
| Percentage Change | * Dollar Amount |
| 1. Good faith efforts to comply/lack of good faith: | Magazit Status and St. State S |
| 2. Degree of willfulness and/or negligence: | **Paradalahan disidependeberan si |
| 3. History of noncompliance: | Agreement and an incidence or representative to the contract of the contract o |
| 4. Other unique factors: | grant (College Marie Marie College) |
| 5. Justification for Adjustments: | |
| * Percentage adjustments are applied to amount calculated on line 4, Part I. | the dollar |
| <pre>6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):</pre> | \$\frac{1}{2,250} |
| 7. Number of Days of Violation: | Nagging Carlotte |
| 8. Multi-day Penalty (Number of days x Line 6, Part II): | Nempolinageoren |
| 9. Economic Benefit of Noncompliance: | *Compatitionings. |
| Justification: | |
| | |
| 10. Total (Lines 8 + 9, Part II): | 7 2,250 |
| 11. Ability to Pay Adjustment: | |
| Justification for Adjustment: | The state of the s |
| 12. Total Penalty Amount (must not exceed \$25,000 per day of violation): | # 2,250_ |

| Company Name: King Music | al Instruments |
|---|--|
| Regulation Violated Sction | 3005, 270.10(e), 270.13, 270.70 |
| Assessments for each violation show on separate worksheets and totalle | uld be determined |
| (If more space is needed, at | |
| Part I - Seriousness of N | |
| 1. Potential for Harm: | Moderate |
| 2. Extent of Deviation: | Major |
| 3. Matrix Cell Range: | 8000-10,999 |
| Penalty Amount Chosen: | 9,500 |
| Justification for Penalty Amount Chosen: | midpoint of range |
| 4. Per-Day Assessment: | 9 500 |
| Part II - Penalty Adjus | stments |
| Percentage | Change* Dollar Amount |
| 1. Good faith efforts to comply/lack of good faith: | |
| 2. Degree of willfulness and/or negligence: | |
| 3. History of noncompliance: | |
| 4. Other unique factors: | A CONTRACTOR OF THE PROPERTY O |
| 5. Justification for Adjustments: | |
| * Percentage adjustments are appl amount calculated on line 4, Pa | ied to the dollar |
| Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): | 9.500 |
| 7. Number of Days of Violation: | |
| Multi-day Penalty (Number of days x Line 6, Part II): | The company of the co |
| 9. Economic Benefit of Noncompliance: | - management of the contract o |
| Justification: | |
| 10. Total (Lines 8 + 9, Part II): | 9,500 |
| 11. Ability to Pay Adjustment: | |
| Justification for Adjustment: | |
| 12. Total Penalty Amount (must not exceed \$25,000 | 9.500 |

DATE:

APR 3 0 1987

SUBJECT:

United Musical Instruments U.S.A., Inc., Consent Agreement and

Final Order

Docket No. V-W-86-R-75

FROM:

Robert B. Schaefer

Regional Counsel

Basil G. Constantelos, Director

Waste Management Division

T0:

Valdas V. Adamkus

Regional Administrator

Accompanying this memorandum is a Consent Agreement and Final Order (CAFO) signed by the above-identified company. The company has agreed therein to pay a \$6,450 penalty.

It is our recommendation that you sign the Final Order.

5HE-12:SCLOUGH:fharris:6-4446:4/13/87

| | | | | | | | C | | 1584/21/8/m |
|-------------------|--------|----------------|--|---------------|---------|----------------|---------------|------|-------------|
| OR DESCRIPTION OF | TYPIST | ASTRAIR | OTHER STAFF | UNIT CHILF | ser. | 25位 25位 | CHALE HALE | | my 4/27/87 |
| N | | SC- 4-17-87 | | 75g | al 1-81 | WEM 4/11/87 | 120 82 | | 08 4/28/87 |
| - | | | er e e e e e e e e e e e e e e e e e e | | | | | 1/1/ | |

LAW OFFICES

WEIL, FREIBURG & THOMAS, P.C.

SUITE 617 29 SOUTH LA SALLE STREET CHICAGO, ILLINOIS 60603

April 8, 1987

DALE R. PETERSEN
(312) 641-3333
TELEFAX: (312) 332-6375
TELEX: 263665 WFTLAW UR

RICHARD B. WEIL JAMES P. FREIBURG

MAUREEN M. THOMAS

JEFFERY S. TAYLOR

Jon Faletto, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Re: United Musical Instruments USA, Inc. ("UMI"),
U.S.E.P.A. - Consent Agreement and Final Order
Docket Number: V-W-86-R-75

Dear Jon:

We have received and reviewed the proposed Consent Agreement and Final Order ("CAFO") which you sent to us under cover of your letter of March 24, 1987.

Enclosed are two (2) copies of the CAFO which has been approved and executed on behalf of UMI.

Although the Agreement contemplates quarterly installment payments of the agreed—pon settlement amount, UMI desires to presently pay the full amount and has sent to me its check in the amount of Six Thousand Four Hundred Fifty and no/100 Dollars (\$6,450.00). Once I have received from you a fully executed copy of the CAFO, I will send the check to you.

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

Dale R. Petersen

DRP:mb encl.

xc: Mr. Thomas T. Burzycki



46.450 end 00 es

0156

0156 71-114

Pay This Amount \$6,450.00***

Pay to the Order of TREASURER OF THE UNITED STATES

NOT VALID OVER \$ 1000 WITHOUT COSIGN

First National Bank Elkhart, Indiana

#000156# #071201142#

12-298-218

Re:

United Musical Instruments USA, Inc. ("UMI"), U.S.E.P.A. - Consent Agreement and Final Order Docket Number: $V = W = 8\overline{6} - R = 75$

Gentlemen:

Enclosed is UMI's check no. 0156, dated April 7, 1987, made payable to the order of the Treasurer of the United States, representing full payment of the agreed-upon settlement in the above-captioned matter.

Should you have any questions, please contact the undersigned.

Very truly yours,

Dale R. Petersen

DRP:mb encl.

Regional Hearing Clerk xc:

Planning and Management Division

U.S.E.P.A.

Solid Waste & Emergency Response Branch Secretary

Jon Falleto, Esq.

Mr. Thomas T. Burzycki (w/enclosure and

w/copy of fully executed Consent Agreement)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAR 24 1987

Dale R. Petersen, Esq. Weil, Freiburg & Thomas, P.C. 29 South LaSalle Street, Suite 617 Chicago, Illinois 60603

RE: UNITED MUSICAL INSTRUMENTS USA, INC. DOCKET NO. RCRA-V-W-86-R-75

Dear Mr. Petersen:

I am now enclosing a proposed Consent Agreement and Final Order (CAFO) relative to the administrative proceeding captioned above. After reviewing the CAFO, please have an authorized representative sign it on behalf of the Respondent, and return the executed document to me. I will then submit the CAFO to the Director of the Waste Management Division for execution, and to the Regional Administrator for his review and approval.

Once the CAFO has been approved and signed by the Regional Administrator, a copy of the fully executed CAFO will be forwarded to you. The CAFO will become effective on the date it is filed with the Regional Hearing Clerk, and the first installment payment of the civil penalty will be due on the date specified in the CAFO.

Should you have any questions or care to discuss the above, please do not hesitate to contact me. I thank you for your cooperation with resolving this matter.

Very truly yours,

Jon) S Faletto

Assistant Regional Counsel

cc: Steve Clough, 5HE-12



Northeast District Office 10 E. Aurora Road sburg, Ohio 44087-1969 (_16) 425-9171

Richard F. Celeste Governor

N, N

January 16, 1987

RE: UNITED MUSICAL INSTRUMENTS U.S.A. (FORMERLY KING MUSICAL INSTRUMENTS)

LAKE COUNTY

OHD 004-153-854

RECEIVED

OHIO EPA

Mr. Jack Haynes United Musical Instruments U.S.A. 33999 Curtis Blvd. Eastlake, Ohio 44094

JAN 2.2.1987

DIV. of SOLID & HAZ. WASTE MGT.

Dear Mr. Haynes:

Thank you for the information regarding the Solvent 140 submitted January 14, 1987. Based on the letter from Research Oil Company this waste is hazardous due to the lead content. The hazardous waste limit for lead is 5 mg/l (ppm).

Please be advised, the Solvent 140 waste is subject to all generator requirements. If there are any further questions on this waste, please call me.

The submission of this information completes your response to my inspection. Please note, the explanation provided in your letters appears to satisfy Ohio EPA regulatory reporting requirements, instances of non-compliance maybe the subject of pending or future enforcement actions as they constitute violations of Ohio Revised Code Chapter 3734.

Sincerely,

Chustin

Christine Mikoy Frazier

Environmental Scientist

Division of Solid and Hazardous Waste

Management

CMF/sp

cc: Mike Savage, DSHWM, Central Office

LAW OFFICES

WEIL, FREIBURG & THOMAS, P.C.

RICHARD B. WEIL JAMES P. FREIBURG MAUREEN M. THOMAS JEFFERY S. TAYLOR DALE R. PETERSEN

(312) 641-3333

SUITE 617 29 SOUTH LA SALLE STREET CHICAGO, ILLINOIS 60603

TELEFAX: (312) 332-6375
December 15, 1986
TELEX: 263665 WFTLAW UR

Jon S. Falleto, Esq.
Assistant Regional Counsel
U.S.E.P.A. - Region V
230 South Dearborn Street
Chicago, IL 60604

Nr. Stephen Clough R.C.R.A. Enforcement Section (5HE-12) U.S.E.P.A. - Region V 230 South Dearborn Street Chicago, IL 60604

Re: United Musical Instruments USA, Inc. ("UMI") / U.S.E.P.A. - Complaint, Compliance Order Docket Number: V-W-86-R-75

Dear Messrs. Falleto and Clough:

This letter is sent pursuant to our meeting of November 4, 1986, at which we discussed the above-referenced matter.

As stated our Answer to the Complaint, as well as in the discussions at our recent meeting, UMI has continually exercised good faith efforts to maintain its facilities in compliance with all applicable environmental laws and regulations.

The EPA's Complaint admits that at the time of the filing thereof all alleged violations described in the twenty-four "Findings" contained therein had been corrected, except as to those as described in four of the "Findings." Those four "Findings" relate to the filter beds at UMI's Eastlake, Ohio facilities. UMI was, at the time of the filing of the Complaint, taking appropriate measures (described below) to bring its Eastlake facilities into full compliance. Earlier action on these four findings had not been taken because UMI was awaiting approval of its Closure Plan from the Ohio EPA.

As we discussed, the U.S.E.P.A. had knowledge of the filter beds located at UMI's facilities. As the result of inspections of the beds made by the Ohio E.P.A., the filter beds were, until November 20, 1985, considered by the Ohio E.P.A. and UMI as "tanks" and part of UMI's in-house pre-treatment system and therefore exempt from Regulation by virtue of OAC 3745-65-01(c)(10) and 40 CFR 265.1(c)(10). The Ohio E.P.A. so informed UMI and UMI relied upon this determination by the Ohio E.P.A.

Immediately upon becoming aware that the filter beds were not constructed entirely of concrete, on or about November 20, 1985, UMI immediately notified the Ohio E.P.A. Shortly thereafter UMI retained consulting engineers to prepare a Closure Plan which was, as required, submitted for approval to the Ohio E.P.A. Upon receiving the Ohio E.P.A. comments regarding the Plan, UMI caused an Amendment thereto to be filed with the Ohio E.P.A. The Closure Plan has recently been approved by both the Ohio E.P.A. and the U.S.E.P.A. UMI is presently

WEIL, FREIBURG & THOMAS, P.C.

John S. Falleto, Esq. Mr. Stephen Clough Page Two December 15, 1986

implementing the Closure Plan and would have done so earlier but for the delays incurred, through no fault of UMI, in obtaining said approvals from the appropriate governmental agencies.

The Closure Plan, submitted to and approved by the U.S.E.P.A. (and exhibited to UMI's Answer), evidences that the volume of waste material in the filter beds was minimal. In a few small places there was a thin (less than 1/8 inch thick) film of metal hydroxide sludge on top of the said layer. Water samples from monitoring wells collected on December 17, 1985 and analyzed by Aqua Tech Environmental Consultants indicated that with the exception of pH for the upgradient well all values were within primary and secondary limitations set forth by the Safe Drinking Water Act. Table No. 3 to the Closure Plan indicates that in the professional opinion of UMI's consulting engineers, "The material within the filter beds is non-hazardous waste." The consulting engineers further state, "total concentrations of RCRA-regulated metals are compared to the range for Ohio farm soils in Table No. 6 to demonstrate that soils downgradient of the filter beds are 'clean'." Also, "No significant migration of contaminants has occurred from the filter beds to downgradient soil." Finally, because of the non-hazardous nature of the "sludge" the Closure Plan provides for its disposal in a "sanitary" landfill, as opposed to a "secured" landfill. All of which demonstrate the lack of harm and lack of seriousness of the alleged violations regarding the filter beds.

As stated above, discovery of the nature of the true construction of the filter beds was made on or about November 20, 1985. Had such discovery been made prior to November 8, 1985, UMI would have been afforded the opportunity to comply with the requirements of Section 3005(e)(2) of the 1984 Hazardous and Solid Waste Amendments and/or to have taken the units out of service by the applicable November 8, 1985 date (they were, in fact, out of service on said date), and submit a Closure Plan by November 23, 1985, as required.

It should also be noted that at the time of the discovery of the nature of the construction of the filter beds, they were not in service, and in fact, had not been used since September 24, 1985. Needless to say, the filter beds have not been used since the discovery.

In our meeting you referred to one of the hypothetical applications of the penalty policy included at the back of the RCRA Civil Penalty Policy dated May 8, 1984, as justification for the characterization of the "Potential for Harm" as "Moderate" and the "Extent of

WEIL, FREIBURG & THOMAS, P.C.

Jon S. Falleto, Esq. Mr. Stephen Clough Page Three December 15, 1986

Deviation" as "Major" regarding the alleged Section 3005 violations. The factual situation described in that example differs greatly from the situation at UMI's Eastlake facility.

In the example the company <u>had not</u> filed its Part A Permit Application and therefore the EPA "was prevented from knowing that hazardous waste was being stored at the facility."

However, in UMI's case, on November 19, 1980 UMI timely filed its Part A Permit Application and obtained interim status. Thereafter, by its letter of October 4, 1983 UMI requested that the U.S.E.P.A. withdraw the Part A Application it had submitted in order to change its status to a "generator" storing waste for fewer than 90 days. Subsequent to October 4, 1983 UMI acted in reliance upon the Ohio E.P.A.'s determination that the filter beds were exempt from regulation.

UMI at all times took every effort available to it, given the facts as then known to it, to maintain its facility in compliance with applicable law. This is a substantial factual distinction between the example in the Policy Statement and the UMI situation, which make application of the Policy Statement classifications inappropriate.

None of the other examples contained in the RCRA Civil Penalty Policy provide any guidance with regard to the penalty except to the extent that they express the policies that mitigating circumstances are grounds for reductions of penalties assessed, and that the purpose of penalty assessment is preventative and not punitive, especially in situations of continuing good-faith compliance efforts, as UMI has demonstrated.

As to the other alleged violations which were characterized as "minor/major" - the Complaint will evidence that upon becoming aware of these violations UMI immediately took measures to bring its facility into compliance. These alleged violations were of a "technical nature" and have heretofore been cured. There is no history of noncompliance.

Finally, we have advised you that all of the outstanding shares of UMI were acquired by its present sole shareholder on and as of October 7, 1985. (UMI's discovery of the nature of the construction of the filter beds occurred approximately six (6) weeks after the acquisition.) The acquisition, UMI's merger and reorganization, and the resultant change of management and control, has had a major impact on the operations of UMI. Since said date, UMI has taken a number of steps, and expended substantial amounts for equipment, fees and costs,

WEIL, FREIBURG & THOMAS, P.C.

Jon S. Falleto, Esq. Mr. Stephen Clough Page Four December 15, 1986

to insure its compliance with applicable environmental laws and regulations. These steps include cooperating with the Ohio E.P.A. and the U.S.E.P.A., retaining consulting engineers to evaluate UMI's waste water treatment system, retaining said engineers to prepare the above-described Closure Plan and Amendment, and also contracting for the installation and purchase of a Waste Water Treatment System which has been warranteed to be in compliance with all applicable federal and state laws and regulations.

UMI has contended that the proposed penalty is excessive given (i) the fact that the alleged violations were not serious, (ii) UMI's continuing good faith efforts to comply with applicable requirements; (iii) UMI's lack of any economic benefit from the alleged non-compliance; (iv) that compliance either has heretofore and/or is presently being achieved; (v) the lack of harm from the purported non-compliance; (vi) the lack of willfulness or knowledge in non-compliance; and (vii) the absence of a history of non-compliance. The facts surrounding this matter are unusual and the purported violations are of a non-recurrent nature.

Without admitting any liability, in view of the factors set forth above, UMI proposes that the "Potential for Harm" and "Extent of Deviation" for the alleged Section 3005 related violations be recast as "moderate" in each case and that all others as "minor" in each case; and the penalty assessed be reduced by approximately forty percent (40%) and applied to the lowest ends of the matrix cell ranges provided in the R.C.R.A. Civil Penalty Policy. This would produce a settlement amount of Two Thousand Five Hundred Dollars (\$2,500.00), which we hereby propose.

We would appreciate being advised of your position with regard to this proposal. Please contact the undersigned or Dale R. Petersen of this office to discuss any questions you may have.

Very truly yours,

RICHARD B. WEIL

RBW:mb encl.

xc: Mr. Thomas T. Burzycki

Mr. Jack Haynes Mr. Edward Chesko CACEPA
State of Ohio Environmental Protection Agency

IL, W. Y. Is, LDF

Northeast District Office 2110 E. Aurora Road "winsburg, Ohio 44087-1969 (216) 425-9171

Richard F. Celeste Governor

November 19, 1986

RE: KING MUSICAL INSTRUMENTS
(UNITED MUSICAL INSTRUMENTS USA, INC.)
LAKE COUNTY
OHD 004-153-854

Mr. Jack Haynes United Musical Instruments USA, Inc. 33999 Curtis Blvd Box 48 Eastlake, Ohio 44094

Dear Mr. Haynes:

とはなって、またないではない。またない、とのはいとなったがであってきたないとなる。

Thank you for the courtesy extended during my September 30, 1986, inspection of King Musical Instruments (now United Musical Instruments USA, Inc.). Your facility was inspected for compliance with the State and Federal Hazardous Waste Regulations.

A copy of the inspection report is enclosed for your information. The report indicates that your hazardous waste program is deficient in the following areas:

- The beginning date of accummulation was not being marked on the desoldering fluid (D002) in accordance with OAC 3745-52-34 and 40 CFR 262.34;
- 2. Aisle space was not being maintained in the desoldering fluid storage area in accordance with OAC 3745-65-35 and 40 CFR 265.35; and,
- 3. Weekly inspections of the desoldering fluid containers were not being conducted as required by OAC 3745-66-74 and 40 CFR 265.174.

You also, indicated that a new solvent is being generated. The Material Safety and Data Sheet indicated that the product "Solvent 140" has a flash point in the vicinity of 140 degree F. You were advised to have the spent solvent tested to determine whether it is a regulated hazardous waste. Please send a copy of the analysis (closed cup flash point) to this office upon completion.

Also, regarding the shipping description used for the manifests, the DOT regulations indicate that spent materials should be characterized by first using the word "Waste". (i.e.: Waste Acetone). Please refer to the enclosed copy of 49 CFR 172.101 (c)(10).

You should make the above recommended changes within thirty days of receipt of this letter. Please submit copies of your revised inspection record and any other information documenting your compliance status. This information should be submitted within thirty days of receipt of this letter.

Regarding the status of the filter beds, a closure plan has been approved by Ohio EPA and the U.S. EPA.on August 26, 1986 and October 15, 1986 respectively. Please notify this office upon the start of closure activities.

King Musical Instruments November 19, 1986 Page 2

I can be reached at 425-9171, if there are any questions on this letter.

Yours truly,

Christine Mikoy Frazier Environmental Scientist

Division of Solid and Hazardous Waste

Management

CMF/sp

Enclosure

cc: Dave Mentzer, DSHWM, Central Office

U.S. EPA REGION V RCRA ENFORCEMENT SETTLEMENT CONFERENCE

MEETING ROSTER

| SUBJECT | King Musical Instruments | (United | Musical | Inst.) |
|---------|--------------------------|---------|---------|--------|
| DATE _ | | _ | | |
| PLACE _ | Chicago 1L | | | |
| | | | | |

| PERSON | REPRESENTING | ADDRESS | TELEPHONE |
|-----------------|-------------------------|---|----------------|
| Steve Clough | U.S. EPA RCRA Enf. | 230 S. Dearborn St. Chicago, 1L 60604 | (312) 886-4446 |
| Jack Haynes | 4mI | Eastlate alice 44094 | (216) 446-6100 |
| Dal JOJERAG | | 29 S. LASOLLE St. 46617 CHICAGO ZL-606103 | (312)641-3333 |
| Fill. CHESKO | UNI | 33989 ENRTIS BLUD EASTLAKE OHIO | 216-946-6100 |
| Richard B. Weil | umi | 29 S. La Salle SV. Ste 617 CHICAGO, IL-60603 | (312) 641-3333 |
| Thomas Burzych | U.M.I. | 1000 Industrial PKuy. | (2) 295-0079 |
| Barbara Russell | USEPA PCRAENE | 230 So. Degroom Chgo 6060 4 | (312) 353-7922 |
| JON FALETTO | V.S. EPA - REG. COURSEL | 230 S. DEARBORN CHICAGO, IL 60604 | (312)886-6720 |
| ** 11,67 | 1987 7 11 - | | |
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SETTLEMENT CONFERENCE

| NAME King Musical Instrument (United Musical Inst UMI) DATE Nov. 4 1986 |
|--|
| DATE Nov. 4 1986 |
| DATE Nov. 4, 1986 SUBJECT Complaint and Compliance Order |
| |
| SUMMARY OF CONFERENCE UM presented their case by |
| explaining The history of the filter beds being |
| classified as tanks. The company saus They |
| classified as tanks. The company says They were "up and up" with OEPA at all times. U.S. EPA |
| 15 not denying this point. Nevertheless UMI operated |
| a surface impoundment for 4 years without |
| having interim status or a permit. EPA explained |
| It was UMIs responsibility to make a correct |
| decision on whether the filter beds qualified |
| as tanks. Since UMI called them tanks for |
| under 90 day storage them didn't need a Part A |
| Thus, They operated the filter beds out of |
| compliance with regulations which truly |
| applied, The surface impoundment standards |
| EPH also explained how we derived at the |
| penalties for both the generator violations and operating w/o a permit. UMI was given a copy of the RCRA penalty policy. |
| operating w/o a permit. UMI was given a |
| copy of the RCRA penatty policy. |
| |
| Lastly EPA stated the dificiencies with the |
| proposed groundwater monitoring system. Specifically, the addition of cyanide, Appendix III (Drinking) |
| the addition of cyanide, Appendix TIL (Drinking |
| 0 |

Nater Standards), and the water quality parameters (265.92) to the analytical parameter list.

UMI stated that waste was only discharged to the impoundments periodically. The last discharge was around Oct. 1, 1986. No waste was added subsequent to Nov. 8, 1986.

LAW OFFICES

WEIL, FREIBURG & THOMAS, P.C.

SUITE 617 29 SOUTH LA SALLE STREET CHICAGO, ILLINOIS 60603

October 7, 1986

JAMES P. FREIBURG MAUREEN M. THOMAS JEFFERY S. TAYLOR DALE R. PETERSEN

RICHARD B WEIL

(312) 641-3333 TELEFAX: (312) 332-6375 TELEX: 263665 WFTLAW UR

U.S. EPA, REGION V

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Jon S. Falleto
Assistant Regional Counsel
U.S.E.P.A. - Region V
230 South Dearborn Street
Chicago, IL 60604

Mr. Stephen Clough
R.C.R.A. Enforcement Section
(5HE-12) U.S.E.P.A. - Region V
230 South Dearborn Street
Chicago, IL 60604

Re: United Musical Instruments USA, Inc. ("UMI") / RECEIVED
U.S.E.P.A. - Complaint, Compliance Order
Docket Number: V-W-86-R-75

Dear Messrs. Falleto and Clough:

This office represents UMI in conjunction with A A PROPERTY BRANCE REFERENCE TO THE PROPERTY BRANCE REPORT OF THE PROPERTY BRA

Enclosed is a copy of UMI's Answer to the above-referenced Complaint, the original of which was filed on this date with the Regional Hearing Clerk.

After you have had an opportunity to review the enclosed, I would appreciate your contacting me so that we may schedule a mutually convenient date and time for the informal settlement conference.

Very truly yours,

Dale R. Petersen

DRP:mb encl.

cc: Mr. Thomas T. Burzycki

Mr. John J. Haynes (w/enclosure)

Mr. Edward Chesko Richard B. Weil, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

| IN THE MATTER OF: UNITED MUSICAL INSTRUMENTS USA, INC. (f.k.a. KING MUSICAL INSTRUMENTS, INC., 33999 CURTIS BOULEVARD EASTLAKE, OHIO 44094 |))) DOCKET NO. V-W-86-R-75) |
|--|--------------------------------------|
| RESPONDENT |) ANSWER: ADDITIONAL STATEMENT |
| E.P.A. ID. NO. OHD 004 153 854 |) OF FACTS AND REQUEST FOR) HEARING |

ANSWER

Respondent hereby files its answer to the Complaint brought and filed by the Director, Waste Management Division, Region V, United States Environmental Protection Agency ("U.S.E.P.A.").

The Complaint names King Musical Instruments, Inc., a Delaware Corporation ("King"), as the Respondent. By virtue of Articles of Merger and a Plan of Merger, effective October 7, 1985, King was merged into Daniel J. Henkin, Inc., an Indiana Corporation ("Henkin"), and by virtue of an Amendment to Henkin's Articles of Incorporation, Henkin's corporate name was changed to "United Musical Instruments USA, Inc." Therefore, all references herein and in the Complaint to the "Respondent" should and shall be understood to mean "United Musical Instruments USA, Inc., an Indiana Corporation."

As to the "Findings" contained in the Complaint, the Respondent hereby states as follows: (The paragraph numbers below correspond to the paragraph numbers provided in the Complaint.)

1. The Respondent is UMI. Respondent admits the other allegations provided in paragraph 1 of the Complaint.

- 2. Respondent admits the allegations contained in paragraph 2 of the Complaint.
- 3. Respondent admits the allegations contained in paragraph 3 of the Complaint.
- 4. Respondent admits the allegations contained in paragraph 4 of the Complaint.
- 5. Respondent admits the allegations contained in paragraph 5 of the Complaint.
- 6. Respondent, UMI, owns and operates a facility located at 33999 Curtis Boulevard, Eastlake, Ohio 44094. Respondent is an Indiana Corporation, whose registered agent presently is William A. Thorne, 228 West High Street, Elkhart, Indiana 46516.
- 7. Respondent admits the allegations contained in paragraph 7 of the Complaint.
- 8. Respondent admits the allegations contained in paragraph 8 of the Complaint.
- 9. Respondent admits the factual allegations contained in paragraph 9 of the Complaint. A copy of Respondent's letter of October 4, 1983 is attached hereto, marked Exhibit "A" and is incorporated herein by this reference.
- 10. Respondent admits the factual allegations contained in paragraph 10 of the Complaint. A copy of the U.S.E.P.A.'s letter of January 9, 1984 is attached hereto, marked Exhibit "B" and is incorporated herein by this reference.
- 11. Respondent admits that at such time Respondent was storing waste in drums (see Exhibit "A" hereto), but states that no such storage

was for a period in excess of ninety (90) days and, therefore, Respondent submits that such storage was exempt from the regulations applicable to Part A permit applications. In further response thereto, Respondent states that at the time the application was filed, the surface impoundments were considered by Respondent and the Ohio E.P.A. as "tanks" which were part of Respondent's in-house pretreatment system and Respondent was, in fact, informed by the Ohio E.P.A. that such storage was exempt from Regulation by virtue of OAC 3745-65-01(c)(10) and 40 CFR 265.1(c)(10) (see Exhibit "F" hereto). (Also, see paragraph 2 of the copy of the Ohio E.P.A.'s letter to Respondent dated November 27, 1985, a copy of which is attached hereto, is marked Exhibit "C" and is incorporated herein by this reference.)

12. and 13. Respondent admits the factual allegations contained in paragraphs 12 and 13 of the Complaint. A copy of the Ohio E.P.A.'s letter of March 4, 1983 is attached hereto, marked Exhibit "D" and is incorporated herein by this reference. In further response to the allegations contained in paragraphs 12 and 13 of the Complaint, the Respondent hereby states that immediately upon becoming aware of such alleged violation, Respondent immediately took action to cure the alleged violation. Specifically the Respondent took those actions in response thereto as are described in Respondent's letter to the Ohio E.P.A. of June 3, 1983, a copy of said letter and the attachments thereto are attached hereto, marked group Exhibit "E" and are incorporated herein by this reference.

14. and 15. As to the allegations contained in paragraphs 14 and 15 of the Complaint, Respondent admits the allegations contained therein to

the extent that they are not in conflict with the statements contained in the Ohio E.P.A.'s letter of July 18, 1983, a copy of which is attached hereto as Exhibit "F" and is incorporated herein by this reference. To the extent the allegations contained in said paragraphs 14 and 15 of the Complaint are in conflict with said letter, the Respondent denies the same. Respondent further states that the Respondent took good faith efforts to bring its operation into compliance with applicable laws and regulations by taking those actions as are described in Respondent's letter of August 15, 1983, a copy of which is attached hereto, marked Exhibit "G" and is incorporated herein by this reference.

- 16. In response to paragraph 16 of the Complaint, Respondent repeats and restates its responses to paragraphs 11 and 12 of the Complaint as are described above.
- 17. Respondent admits supplying certain blueprints to the Ohio E.P.A. upon the request of the Ohio E.P.A. Respondent has no knowledge of any telephone conversation with the Ohio E.P.A. wherein any conclusions were drawn or made by Respondent as to the nature or description of the bases of said "tanks." Respondent further states, on its information and belief, that any such conclusions were made by the Ohio E.P.A. based upon its own inspection (see Paragraph 1 of Exhibit "F" hereto and Paragraph 2 of Exhibit "C" hereto).
- 18. Respondent admits being informed of the Ohio E.P.A.'s determination as is described in Paragraph 18 of the Complaint, but denies that said determination was based on documents and representations of the Respondent, and further states, on its information and belief, that

said determination was made on the basis of the Ohio E.P.A.'s own inspections. Respondent further maintains that, due to the importance of classification of these impoundments, the Ohio E.P.A. would not have solely relied on such blueprints (which are inconclusive) and/or any such representations, if such were made, but rather would have and did conduct its own inspection, and relied thereon in drawing such conclusions.

- 19. Respondent admits the allegations contained in Paragraph 19 of the Complaint and further states that, after cleaning the beds, core samples were taken in various places to determine the amount of filter media which would be needed to restore the beds to original design per the blueprints. It was at this point that Respondent discovered the sidewalls were of a "T" wall construction, therefore, the entire base was not concrete, as was previously determined by the Ohio E.P.A. Respondent's actions at this point, November 20, 1985, were to: (a) immediately discontinue use of the impoundments; (b) notify the Ohio E.P.A. to direct Respondent toward closure; and (c) align Envirite Corporation to handle all metal hydroxide sludge produced by the pretreatment system. (See manifests therefore which are attached hereto as Group Exhibit "L" and are incorporated herein by this reference.)
- 20. Respondent admits the allegations contained in Paragraph 20 of the Complaint.
- 21. Respondent admits the allegations contained in Paragraph 21 of the Complaint. Further, Respondent has attached hereto as Exhibit "H" its Closure Plan and as Exhibit "I" the Ohio E.P.A.'s response thereto, both of said documents are incorporated herein by this reference. In

.....

response to the Ohio E.P.A.'s letter regarding its Closure Plan, Respondent submitted to the Ohio E.P.A. an Amendment to its Closure Plan, a copy of which is attached hereto, marked Exhibit "J" and is incorporated herein by this reference. By letter dated August 26, 1986, the Ohio E.P.A. approved the Closure Plan, as amended; a copy of said letter is attached hereto, marked Exhibit "K" and is incorporated herein by this reference. Finally, on or about September 22, 1986, Respondent caused copies of said Closure Plan, the Amendment thereto and the Ohio E.P.A.'s approval letter to be filed with the appropriate offices of the U.S.E.P.A. Furthermore, Respondent has been informed, and alleges on its information and belief, that said amended Closure Plan has been, or will be, approved by the U.S.E.P.A.

22. to 24., Inclusive. In response to Paragraphs 22 through 24, Respondent admits technical violation of the provisions of RCRA (defined in the Complaint) as are referred to therein, restates its response contained in response to Paragraph 21 of the Complaint, and further states, and that upon learning of such alleged non-compliance (see also Statement of Additional Facts below), Respondent timely filed for approval of the Ohio E.P.A. of the requisite Closure Plan, and since the date of filing, has awaited the Ohio E.P.A.'s approval of said Plan. Further, Respondent stands ready to implement said Plan upon receiving approval of the U.S.E.P.A.

In light of Respondent's good faith efforts to comply with applicable rules and regulations, the fact that the Respondent could not effectuate the Closure Plan until the Ohio E.P.A. had approved the same, and that all other alleged violations have been cured, Respondent respectfully contends that the Proposed Civil Penalty is inappropriate and is excessive.

Additional Statement of Facts

All of the outstanding shares of King were acquired by its present sole shareholder on and as of October 7, 1985. Said acquisition, King's merger and reorganization, and the resultant change of management and control has had a major impact on the operations of UMI. Since said date, the Respondent has taken a number of steps to insure its compliance with applicable environmental laws and regulations, including cooperating with the Ohio E.P.A., retaining consulting engineers to evaluate its waste water treatment system, retaining said engineers to prepare the above-described Closure Plan and Amendment, and also contracting for the installation and purchase of a Waste Water Treatment System which has been warranteed to be in compliance with all applicable federal and state laws and regulations.

As stated above, the Respondent discovered that the entire base of the impoundment was not concrete, as previously determined by the Ohio E.P.A. on November 20, 1985, and thereupon immediately notified the Ohio E.P.A.

Had such discovery been made prior to November 8, 1985, Respondent would have been afforded the opportunity to comply with the requirements of Section 3005(e)(2) of the 1984 Hazardous and Solid Waste Amendments and/or to have taken the units out of service by the applicable November 8, 1985 date, and submit a Closure Plan by November 23, 1985, as required by applicable law.

Finally, as to those violations described in the Findings section of the Complaint as not having been cured as of the date thereof, Respondent has taken the units out of service and stands ready, willing

and able to commence the actions and activities described in the Closure Plan, as amended, and as submitted to the U.S. E.P.A. and the Ohio E.P.A. upon its approval by the U.S.E.P.A.

Request for Hearing

In accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, the Respondent hereby requests a hearing on the Findings, Compliance Order and Proposed Civil Penalty.

Further, Respondent hereby requests an informal settlement conference.

The undersigned, who has executed this Answer on behalf of the Respondent, hereby represents that he has read the same, and that, to the best of his knowledge and belief, the statements therein are true, and that the same is not interposed for delay.

October 6 , 1986 Dated:

UNITED MUSICAL INSTRUMENTS USA, INC.

Thomas T. Burzycki, President 1000 Industrial Bouleward

Elkhart, Indiana 46515

(219) 295-0079

Attorneys for Respondent:

Weil, Freiburg & Thomas, P.C. 29 South LaSalle St., Ste. 617 Chicago, Illinois 60603 (312) 641-3333 Dale R. Petersen, Esq. Attn: Attorney Number: 70140

CERTIFICATE OF SERVICE

I have caused the original of the Answer and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S.E.P.A., Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

I hereby further certify that I have caused copies of the foregoing Answer to be served upon Mr. Jon S. Falletto, Assistant Regional Counsel for the U.S.E.P.A., and to Mr. Stephen Clough, R.C.R.A. Enforcement Section (5HE-12), both at the same address, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois.

Dated this Zth day of October, 1986.

Dale R. Petersen, Esq.,

One of the Attorneys for Respondent



LUUL KING MUSICAL INSTRUMENTS

33999 CURTIS BOULEVARD P.O. BOX 48

EASTLAKE, OHIO 44094

216/946-6100

TELEX 241113 KINGMUSIC EAKE

October 4, 1983

Karl J. Klepitsch Jr. Waste Management Branch United States Environmental Protection Agency Region V, 230 South Dearborn St. Chicago, IL 60604

The Permit Application Withdrawal Letter Facility Name: King Musical Instruments, Inc. U. W. EPA ID No.: 0H004153854

Dear Mr. Klepitsch:

This is in response to your letter received 9-28-83 requesting the withdrawal of our Part A Hazardous Waste Permit Application. The letter was to change our classification from "Health Waste Treatment, Storage and Disposal Facility" to the proper classification of "Generator Facility", as the definition reads.

The solvent and the wastewater treatment sludge generated from this facility are shipped off sight in 55-gallon drums to a reclaimer within 90 days after generated. This sludge is not stored "within" surface impoundment. The Purification Tank is part of a wastewater system, therefore, exempt from the Hazardous Waste regulations. Further, plating sludge generated is also shipped out in 55-gallon drums to a reclaimer and not stored for longer than 90 days.

As mentioned in the letter of 6-20-83, submitted by John J. Haynes, Ms. Christine Mikoy-Frazier of the Northeast District Office, after an inspection, also concurred, that the plant is a generator facility. Please contact her if you have any specific questions.

I certify under penalty of law that this document and all attachments were prepared under my direction of supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to be the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and inprisonment for knowing violations.

Sincerely,

KING MUSICAL INSTRUMENTS, INC.

William Price

President

WP/dmr

John J. Haynes, King Musical Instruments✓ cc: William Miner, Environmental Protection Agency Charles B. Slautis, Environmental Protection Agency Tom Creapeau, Environmental Protection Agency Christine Mikoy-Frazier, EPA Permits, Manifest & Records Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION V

230 SOUTH DEARBORN ST. CHICAGO, ILLINOIS 60604

JAN 1 2 1994

REPLY TO ATTENTION OF:

5HW-13

William Price, President King Musical Instruments 33999 Curtis Boulevard P. O. Box 48 Eastlake, Ohio 44094

RE: Withdrawal of Part A (Wastewater Treatment

Unit)

FACILITY NAME: King Musical Instruments

USFPA ID NO.: OHD 004 153 854

Dear Mr. Price:

This is to acknowledge that the United States Environmental Protection Agency (USEPA) has completed its review of your Part A Hazardous Waste Permit Application and your letter of October 4, 1983, requesting the withdrawal of your permit application. According to the information which you have submitted, your facility has a wastewater treatment unit as defined in 40 CFR Part 260.10. It is the opinion of this office, based on the information submitted, that your facility is not required to have a hazardous waste permit under Section 3005 of the Resource Conservation and Recovery Act at this time. Please be advised that you must still comply with all applicable State and local requirements.

You will retain your USEPA Identification number if you notified as a generator of a hazardous waste.

Please contact the Technical, Permits, and Compliance Section at (312) 353-2197 for assistance if you have any questions. Please refer to "Withdrawal of Part A (Wastewater Treatment Unit)," in all correspondence on this matter.

Sincerely yours.

Karl J. Klepitsch, Jr., Chief

Waste Management Branch

Enclosure

cc: John J. Haynes, Manager-Personnel Administration

Charles Stone, Vice President-Operations

OEPA-



State Of Ohio Environmental Protection Agency

Northeast District Office 2110 E. Aurora Road; Twinsburg, Ohio 44087-1969

(216) 425-9171

Richard F. Celeste, Governor

Re: King Musical Instruments Lake County OHD 004 153 854

November 27, 1985

Mr. Jack Haynes King Musical Instruments 33999 Curtis Blvd. Box 48 Eastlake, Ohio 44094

Dear Mr. Haynes:

これのでは、 一般の大学 こうできない

This letter is intended to summarize the status of the filter beds at King Musical. King Musical generates an F006 wastewater treatment sludge. The sludge is directed into filter beds for additional treatment and storage. The beds were first inspected on February 2, 1983. The beds appeared to have concrete sidewalls, a sand/gravel filter media and an under drainage system which led back to the wastewater treatment system clarifier. At that time, the below-ground construction of the filter beds was uncertain.

On June 17, 1983, King Musical was reinspected by Ohio EPA. A corner of the filter beds had been uncovered to reveal a concrete base. As a result, the beds were characterized as "tanks". The beds were also considered to be a part of the wastewater treatment unit, which in accordance with OAC 3745-65-01 (C)(10), was excluded from regulation.

While recently cleaning the beds, your personnel found that the concrete base was actually only a part of the wall foundation. At this point, you began to suspect that the filter beds may have earthen bases. You notified Ohio EPA of the potential problem and requested a meeting.

You were advised during our November 15, 1985, meeting to confirm the earthen construction. You were further advised that confirmation would require the beds be taken out of service and a closure plan be submitted.

On November 20, 1985, you reported that the filter beds definitely have earthen bases. This means King Musical is, and has been, operating surface impoundments in violation of State and Federal Hazardous Waste rules. This letter is intended to notify you that Section 3005 (e) of the 1984 Hazardous and Solid Waste Amendments set forth specific requirements for all land facilities (including surface impoundments). By November 8, 1985, you were required to certify compliance with the ground water monitoring and financial assurance regulations and submit a Part B permit application.

Re: King Musical Instruments

Mr. Jack Haynes

Page 2

If certification and application are not made, the units must be immediately taken out of service and a closure plan submitted by November 23, 1985. You should also address potential ground water contamination via a hydrogeologic evaluation.

Because of the serious nature of the violations at King Musical, your company is classified as a High Priority Violator. I am obliged to refer the case to Ohio EPA's Central Office where formal enforcement action will be considered. That action may be administrative orders with a penalty, referral to U.S. EPA or a request that the Attorney General initiate a lawsuit. In any event, Ohio EPA must take action on the case by February 20, 1986.

I can be reached at (216) 425-9171 if there are any questions.

Yours truly,

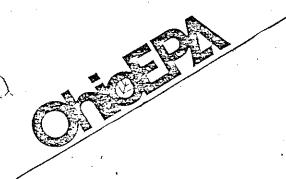
Christine Mikoy Frazier

Environmental Scientist

Division of Solid and Hazardous Waste Management

CMF: kr

cc: Paula Cotter, DSHWM, Central Office E. Chesko, King Musical Instruments



ке: King Musical Instruments Lake County

March 4, 1983

Mr. R.E. Kaplan King Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Kaplan:

Thank you for the courtesy extended during my February 2, 1983, visit to King Musical Instruments. During this visit, your facility was inspected for compliance with 40 CFR 262 and OAC 3745-52 (generator regulations).

The following problems were noted during the inspection:

- 1... wastes had not been analyzed as required by OAC 3745-52-11 and 40 CFR 262.11;
- improper shipping name and no waste quantity listed on manifest as required by OAC 3745-52-21 and 40 CFR 262.21;
- generator signature was not present on manifest as required by OAC 3745-52-23 and 40 CFR 262.23;
- 4. containers were not marked with the words "Hazardous Waste" and the beginning date of accumulation as required by OAC 3745-52-34 and 40 CFR 262.34;
- personnel training program relating to the hazardous wastes had not been developed or documented as per OAC 3745-65-16 (A) and 40 CFR 265.16 (a);
- documented employee training records and job descriptions were not available for review as required by OAC 3745-65-16 (D) and 40 CFR 265.16 (d);
- 7. contingency plan had not been developed as required by OAC 3745-65-51 and CFR 265.51;
- 8. no contingency plan had been sent to local emergency authorities as required by OAC 3745-65-53 and 40 CFR 265.53;
- 9. emergency coordinator had not been designated as per OAC 3745-65-56 and 40 CFR 265.56; and,
- 10. weekly inspections of container storage area were not documented as per OAC 3745-66 74 and 40 CFR 265.174.

Rè: King Musical Instruments Page 2

It was also noted that hazardous sludges were being stored in a surface impoundment without an Ohio storage permit. You were advised to either submit a permit application or eliminate this impoundment.

Please correct the above-listed deficiencies and resolve the surface impoundment problem within sixty (60) days of receipt of this letter. Your facility will then be reinspected to determine whether compliance has been attained. Please expect a reinspection during early May.

This report will become part of the official records of the Ohio Environmental Protection Agency. A copy of the report will also be forwarded to Ms. Kathy Homer, U.S. EPA - Region V. If you have any questions, please call me at (216) 425-9171 or Ms. Homer at (312) 886-3718.

Yours truly.

Christine Mikoy Frazier

Environmental Scientist

Division of Hazardous Materials Management

Northeast District Office

CMF: km

Enclosure

cc: Paula Cotter, Division of Hazardous Materials Management, Central Office Ken Westlake, U.S. EPA - Region V

REMARKS

- Shipping name should include the word "Waste" (i.e.: Waste Trichloroethylene) and the weight or volume of waste should be indicated.
- Generator signature was not present on manifest.



INSTRUMENTS MHHH KING MUSICAL

33999 CURTIS BOULEVARD P.O. BOX 48

EASTLAKE, OHIO 44094

216/946-6100

TELEX 241113 KINGMUSIC EAKE

June 3, 1983

Christine Mikoy Frazier Environmental Scientist Division of Hazardous Material Management Northeast District Office 2110 E. Aurora Road Twinsburg, OH 44087

Dear Ms. Frazier:

RE: Inspection of February 2, 1983

The following are in response to the inspection:

- 1) Waste samples were picked up on 4-29-83 to be analyzed by Cleveland Fluid Systems Company. Please see Attachment #1. Also enclosed, please find an analyses done by PPG, Attachment #2.
- Attachment #3, you will find an example of a completed manifest as required with the signatures as required. The clerical in charge has been reinstructed on the proper way of preparing the manifest.
- Containers are marked with the yellow "Hazardous Waste" labels as required; Attachment #4.
- See Attachment #5. Training: Hazardous Waste. 4)
- See Attachment #6. Contingency Plan. 5)
- Safety Training Log. 6)
- The contingency plan has been sent to the Eastlake local emergency authorities
- The emergency coordinator designated is Russell Kaplan, Maintenance Manager.
- See Attachment #8. Job Descriptions.

This report should complete all of the requirements as requested during the inspection of February 2, 1983. If any other information is needed, please contact myself or Russ Kaplan.

Sincerely,

KING MUSICAL INSTRUMENTS, INC.

John J. Haynes, Manager Personnel Administration

JJH/dmr Enclosures cc: C. Stone

R. Kaplan



CLEVELAND FLUID SYSTEMS CO.

P.O. BOX 41070 CLEVELAND, OHIO 44141-0070

June 2, 1983

Mr. Russ E. Kaplan King Musical Instruments 33999 Curtis Blvd. Eastlake, OH 44094

Re: Lab work, hazardous waste, discussions/3-4-83 EPA (Ohio) letter

Dear Mr. Kaplan:

Per your authorization the waste that I picked up on 4/29 is being analyzed and a disposal site is being screened. Thus item #1 from the EPA is under control. A proper shipping name will also be established.

Items 2,3 and 4 are important and require a specific program outline to be followed. We'll discuss these next week at our meeting.

Items 5 & 6 are things that must be done. I'll help you begin to implement this by setting up an operating manual as we discussed. Item 10 will also be part of this.

Have you designated yourself as the "E.C." in writing @ KMI? (Item #9)

We'll outline the approach to the #8 at our meeting.

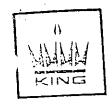
I believe it is best not to store the waste for over 80 days. At designated times the hazardous waste storage basins should be cleaned and the solids put into 55 gallon drums for the disposal before the 90 day period elapses. This would then de-list KMI from the reporting and storage of hazardous waste aspect.

Please call me at 526-2720 if you have any questions.

Lester Gress

LG:rg Enc.

> SERVICES AND EQUIPMENT to save water, to treat water, and to save fuel and energy



INSTRUMENTS אבוגא

33999 CURTIS BOULEVARD P.O. BOX 48

EASTLAKE, OHIO 44094

216/946-6100

TELEX 241113 KINGMUSIC EAKE

June 3, 1983

Eastlake Fire Department 35150 Lake Shore Blvd. Eastlake, OH 44094

Gentlemen:

As required by the Environmental Protection Agency, we are sending you a copy of our contingency plan for plant emergency procedures.

Thank you for your cooperation.

Sincerely,

KING MUSICAL INSTRUMENTS, INC.

bhn J. Haynes, Manager Personnel Administration

JJH/dmr

Enclosures

ATTACHMENT #4

HAZARDOUS WASTE

FEDERAL LAW PROHIBITS IMPROPER DISPOSAL

IF FOUND, CONTACT THE NEAREST POLICE, OR PUBLIC SAFETY AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

| PROPER D.O.T. SHIPPING NAME | UN OR NA# |
|-----------------------------|--------------|
| GENERATOR INFORMATION: | |
| NAME | |
| ADDRESS | STATEZIP |
| CITY | FPA |
| EPA | WASTE NO |
| ID NO. | MANIFEST |
| ACCUMULATION START DATE | DOCUMENT NO. |
| | |

HANDLE WITH CARE!
CONTAINS HAZARDOUS OR TOXIC WASTES

STYLEWM

THIS MEMORANDUM

ATTACHMENT #3

MANIFEST DOCUMENT NUMBER

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#5 ATTACHMENT

Training - Hazardous Waste

The training program has been designed to insure factory personnel how to respond to emergency situations by familiarizing themselves with emergency procedures, emergency equipment, and emergency systems.

- 1) In the case of a 55 gallon drum splitting; or spilling:
 - a) Damn up spill with oil absorbing compound immediately.
 - b) Call Russ Kaplan, the Maintenance Manager, or emergency coordinator.
 - c) Mr. Kaplan will instruct from this point on.

SAFETY TRAINING LOG

PROGRAM: Hazardous Waste

DEPARTMENT

80

TRAINING UPDATE Therefield 5-17. INITIAL TRAINING 5-17 5-17 5-17 547 LEWIS WIGGINUS Carl Rutherford Frank McMillan Tim Sobolewski Raymond Suhar William Ault NAME CLOCK # 475 31.5 326 203 142 152

SAFETY TRAINING LOG

PROGRAM: Hazardous Waste

DEPARTMENT 95

TRAINING UPDATE INITIAL TRAINING 5-17 5-17 5-17 Richard hostradius 5-34 Vincent Samuel James Medved Paul Johnson Mark Kokish NAME CLOCK # 405 176 159 325 007

CONTINGENCY PLAN

Plant Emergency Procedures

The purpose of this plan is to insure organization and reduce the possibility of a major loss in the event of a fire or other disaster when it becomes necessary to evacuate part or all of the building.

In case of smoke or fire in a department, the following procedure will be followed:

- 1. Foreman of the department involved will call the Maintenance

 Manager and report the problem. If unable to contact maintenance,

 call either the Plant Manager or Personnel Manager. The Maintenance

 Manager, or alternate, will determine if the fire warrants the

 "CODE 10" call, If it does, the foreman will make the necessary

 call twice in a loud, clear and calm manner.
- When the 'CODE 10" call is made, the following procedure will be followed:
 - a) Plant Manager, or alternate will take direct charge of the emergency.
 - b) The foreman involved will evacuate the area of all nonessential personnel. The foremen of surrounding departments will keep their employees within their departments. Should partial or total evacuation of personnel be required, all foremen will assist. Each foreman will follow the Evacuation Procedure designed for the particular department.
 - c) The guard will call the Fire Department and then proceed to the driveway entrance to assist the Fire Department in the location of the fire.

- d) Foreman of Department 25, or alternate, Foreman of
 Department 95, will go to the outside post control valve
 which controls the water shut off of the fire area. The
 valve should be physically tested for the wide open position
 and standby the valve to make sure that it remains open until
 instructed to close it by the public fire department chief.
- e) There will be no clean up or salvage in the area until authorized by the Plant Manager, at which time the Maintenance Manager will be in charge of the clean up assisted by the maintenance department and others designated from factory personnel.

EVACUATION PLAN

Each department supervisor has been issued an Evacuation Plan with instructions to inform all employees in the area and then post the plan on the department bulletin board. Once the building has been evacuated, no personnel will re-enter the building until permission is given by the public fire department chief.

CITADEL ALARM SYSTEM

Citadel Alarm Inc. monitors all Fire, Boiler, Sprinkler, and Burglar alarms. They have a direct line with Eastlake authorities.

TRAINING

Periodic training sessions will be held to familiarize all supervisors of the Plant Emergency Procedure. In addition, periodic inspections will be held to be sure all fire protection equipment is in a ready state of use.

| JCB | OPENING | _ | DEPARTMENT | 80 |
|-----|---------|---|------------|----|
| | | | | |

JOB TITLE: SWEEPER

JOB CLASSIFICATION GRADE 1-1070

BASE RATE

QUALIFICATION: Under general supervision, is required to assist in handling materials. Performs similar and less exacting duties to meet job requirements.

| DATE | POSTED | FINAL DATE |
|------|--------|----------------|
| | | |

Any employee interested in the above job opening should submit his name, clock number, and present department number. Request for transfer forms may be obtained in the factory Personnel Office and should be submitted in duplicate. One copy to Personnel and one copy to your Department Steward. Your attention is called to Article IV - Seniority - Section - I of the Union Contract.

POSITION FILLED BY:

| <u>C1</u> '" | Name | Hire Term. Date Date | Clk# Name | Hire Term. Date Date |
|--------------|----------------|-------------------------|-----------|-----------------------|
| 315 | Frank McMillan | 2/83 | | |
| 203 | Raymond Suhar | 4/83 | | |

| $T \cap \Omega$ | TITI | ₩. | LABORER | į |
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JOB CLASSIFICATION GRADE: 2-2060

BASE RATE:

QUALIFICATION: Under close supervision and handles raw materials, makes lead dies and performs other manual and unskilled work.

| DATE | DOSTED | FINAL | DATE | |
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| | | | | |

Any employee interested in the above job opening should submit his name, clock number and present department number. Request for transfer froms may be obtained in the factory Personnel Office and should be submitted in duplicate. One copy to Personnel and one copy to your Department Steward. Your attention is called to Article IV - Seniority - Section I of the Union Contract.

C # Name

Hire Term.

Date Date

Clk# Name

Hire Term. Date Date

JOB TITLE: MAINTENANCE MAN "B"

JOB CLASSIFICATION GRADE: 6A-6A85 BASE RATE:

QUALIFICATION: PLANS AND PERFORMS A VARIETY OF WORK TO

INSTALL OR MOVE EQUIPMENT. PREPARES PROPER MACHINE FOUNDATIONS.

INSTALLS FLECTRICAL CURCUITS, CHECKS AND REPAIRS AS NECESSARY.

CHECKS AND REPAIRS ELECTRIC MOTOPS OR OTHER EQUIPMENT.

INSTALLS, REPAIRS, OR REPLACES WATER AND STEAM LINES AS

REQUIRED. MAKES REPAIRS TO BUILDING.

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Any employee interested in the above job opening should submit his name, clock number, and present department number. Request for transfer forms may be obtained in the factory Personnel Office and should be submitted in duplicate. One copy to Personnel and one copy to your Department Steward. Your attention is called to Article IV - Seniority - Section I of the Union Contract.

POSITION FILLED BY:

JOB TITLE: MAINTENANCE MAN "A"

JOB CLASSIFICATION GRADE: 8-8040 BASE RATE: 7.07 QUALIFICATIONS: Must have working knowledge of controls for air conditioning and heating systems, boiler, air compressors, furnaces, ovens, and modern machine tools. Must be able to trace and analyze problems in electronic and hydraulic circuits. Must be capable of operating gas and electric welding equipment. Repairs and maintains machinery, plumbing, physical structure, and electrical wiring and fixtures in accordance with blueprints, manuals and building codes. machinery and mechanical equipment for defects. Dismantles machines or equipment to gain access to defective parts and repairs them. Measures, cuts and installs pipe and tubing for gas, water, and hydraulic lines. Repairs and replaces gauges valves, pressure regulators and other plumbing equipment. Must have an electricians license. Experienced.

| DATE | POSTED | - | FINAL DATE | |
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Anv employee interested in the above job opening should submit his name, clock number, and present department number. Request for transfer forms may be obtained in the factory Personnel Office and should be submitted in dunlicate. One copy to Personnel and one copy to your Department Steward. Your attention is called to Article IV - Seniority - Section I of the Union Contract.

POSITION FILLED BY:

| Clk# | Name | Hire Date | Term. Date | Clk# Name | Hire Date | T,). Date |
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| 142 326 | Carl Rutherford William Ault | 11/78 12/81 2/83 | | - | | · |

JOB TITLE: PACKER - SHIPPER - WAREHOUSE JOB CLASSIFICATION GRADE: 3-3072 BASE PATE: OUALIFICATIONS: Drive townotor. Chauffeur's license. general supervision. Wraps and packs finished instruments and cases or other products in cardboard or wooden boxes, cartons or other containers preparatory to shipping or storage. Neatly arranges article in container using wrapping paper, excelsior, wastepaper or other material as necessary to prevent breakage or damage. Inspects objects for defects while packing and kneps a record of articles packed. Weighs and addresses packages or crates, makes out and attaches bills of lading, assists in loading on trucks and keeps records of goods shipped. Also receives incoming shipments, assists in unloading, unpacks, and makes and keeps records of receiving and dispatches incoming material to proper place. Performs

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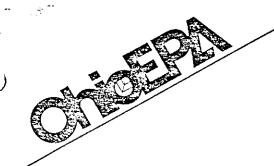
similar and less exacting duties to meet job requirements.

Experience Only.

Any employee interested in the above job opening should submit his name, clock number, and present department number. Request for transfer forms may be obtained in the factory Personnel Office and syould be submitted in duplicate. One copy to Personnel and one copy to your Department Steward. Your attention is called to Article IV - Seniority - Section I of the Union Contract.

POSITION FILLED BY:

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| 159 007 325 405 | Paul Johnson Vincent Samuel James Medved Mark Kokish | 9/71 11/82 10/82 4/82 | | | | | |



Re: King Musical Instruments Lake County

JUL 19 1983

Mr. Jack Haynes King Musical Instruments 33999 Curtis Blvd. Box 48 Eastlake, Ohio 44094

July 18, 1983

Dear Mr. Haynes:

This letter is intended to follow-up my June 17, 1983, reinspection of King Musical Instruments. You and Mr. Kaplan represented the company during the second inspection. The following points summarize the actions taken by King Musical since the February 2, 1983, inspection.

- 1. During the February 2, 1983, inspection, the plating waste settling basins were thought to be of earthen construction. Since that time, the facility has provided blueprints which show the basins to be of concrete construction (the construction material was confirmed through physical excavation). The concrete basins are a part of a wastewater treatment system and also meet the definition of a "tank". As such, the wastes stored in the basins are exempt from regulation by virtue of OAC 3745-65-01 (C)(10) and 40 CFR 265.1 (c)(10). Please be aware, the plating wastes become subject to the generator regulations (OAC 3745-52 and 40 CFR 262) upon removal from the basins.
- 2. A partial analysis of the plating wastes was available, but it was unclear whether the analysis was from a "total" metals test or an "EP Toxicity" test. Please clarify and, if necessary, obtain an EP Toxicity analysis (include the eight parameters listed in OAC 3745-51-24 and 40 CFR 261.24) of the waste. We also suggest that any cyanide in the sample also be quantified.
- 3. The waste <u>quantity</u> was added to subsequent manifests. Please note, the proper shipping description of the distillation residues (for designation on the manifests and hazardous waste labels) should include the word "Waste."
- 4. The hazardous waste Contingency Plan was developed and available for review. The following additions should be added to the plan:
 - -hazardous waste spill clean-up procedures;
 - -note the location of any absorbant material on the emergency equipment layout;
 - -addresses, home phone numbers and work phone numbers of all emergency coordinators;
 - -description of the arrangements between King Musical and local emergency authorities.

Re: King Musical Instruments
Page 2

- δ. The personnel training records were established.
- 6. Waste drums were labeled but did not show the beginning date of accumulation. Please assure that the date is marked on the containers as soon as accumulation begins.

The drummed waste storage area was not being inspected as required by OAC 3745-66-74 and 40 CFR 265.174. You indicated that this requirement was inadvertantly overlooked and that the inspections would start immediately.

Please submit copies of the sludge waste analysis, the Contingency Plan revisions and inspection records within thirty (30) days of receipt of this letter. This information will serve as verification of compliance.

Yours truly,

Christine Mikoy Fraz∛er Environmental Scientist

Division of Hazardous Materials Management

Northeast District Office

CMF: km

C: Kathy Homer, U.S. EPA - Region V Chuck Slaustis, U.S. EPA - Region V Paula Cotter, DHMM, Central Office



Ииии KING MUSICAL INSTRUMENTS

33999 CURTIS BOULEVARD P.O. BOX 48

EASTLAKE, OHIO 44094

TELEX 241113 KINGMUSIC EAKE

August 15, 1983 .

Christine Mikoy Frazier Environmental Scientist Division of Hazardous Material Management Northeast District Office 2110 E. Aurora Rd. Twinsburg, OH 44087

Dear Ms. Frazier:

Re: Follow-up Inspection of June 17, 1983

In response to your correspondence of July 18, 1983, the following action has been taken:

- 1) The EP toxicity analyses: National Spectrographic Laboratories, 9650 Hub Parkway, Cleveland, OH 44125. Telephone #(216) 447-1550. Cost: \$240.00. See attachment #1.
- The word 'waste' was put on the manifest and the Hazardous waste labels. See attachment #2.
- 3) Conditions were made to the contingency plan as directed. See attachment #3.
- Drum waste storage area is inspected. See attachment #4.

If any other information is needed for the verification of compliance, please contact me immediately.

Sincerely,

KING MUSICAL INSTRUMENTS, INC.

John J. Haydes, Manager

Personnel Administration

JJH/dmr

Encls.

cc: C. Stone

R. Kaplan



Rexham

National Spectrographic Labore ories

A REXHAM COMPANY

7650 HUB PARKWAY, CLEVELAND, OHIO 44125 . P.O. BOX 31480, CLEVELAND, OHIO 44131

TELEPHONE: 216-447-1550

s) __[

King Musical Instruments 33999 Curtis Blvd. Eastlake, OH 44094

Attn: Mark Friedman

Whit

| DATE | CUSTOMER DESCRIPTION | | | | YOUR ORDER NO. | | REPORT NO. 07293-32 |
|-----------|----------------------|---------------|------------|---|----------------|---------------------------------------|---------------------|
| 8/5/83 | Plating Waste | | | K52954 | | | |
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| Total CN | 30.0 | ٠. | | *************************************** | - | · | |
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We certify the above analysis to be the true results on the designated samples.

NATIONAL SPECIFIC CHIEF Cher

he County of Cuyahoga, State of Ohio, this

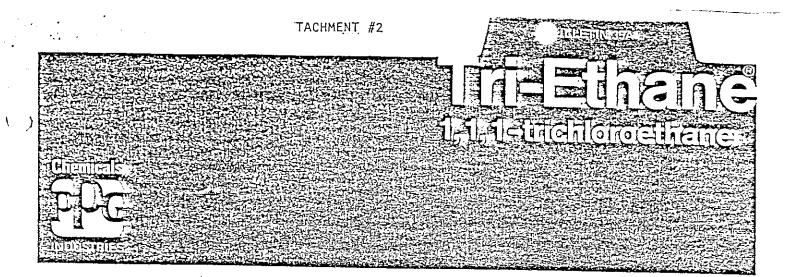
DAY OF

19

The information and data in this report are rendered under the conditions outlined in "Service Terms & Conditions" previously submitted. NSL assumes no liability of any kind with respect to the use by the customer or any third person of any information contained in this service. If erroneous results were originally report. NSL's only liability shall be limited to repeating the analysis without charge to customer or making a refund. No part of this report is to be reproduced for advitising without our consent in writing.

MEMORANDUM

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| Phone | (216) 441-7170 | 3 | <u> </u> | astlake 216) 94 | . OH 4 6-6100 | 4094 | , |
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| E.P.A. | D Code No | | CONTACT | | 6) 946- | | |
| Address Destina | tion | | National Re | esponse C | enter | 1-800 | 0-424-8802 |
| This is | to certify that the above named materials are proper portation according to the applicable regulations o | cly classifia | d described so | okagad med | ed and labele e E.P.A. | in D. C. | 426-2675 |
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Tri-Ethane® inhibited 1,1,1-trichloroethane, produced by PPG Industries Chemical Division, is a versatile solvent used in many industries. It is not photo-reactive and is considered exempt from control under all state EPA plans.

Since Tri-Ethane has no flash point or fire point (by standard ASTM methods), its use reduces the fire hazard associated with flammable petroleum solvents. Another important safety advantage of Tri-Ethane is its low toxicity rating (TWA) for yapor inhalation — lower than that of most other chlorinated solvents as well as certain non-chlorinated solvents such as toluene.

Tri-Ethane can be used at the higher temperatures of vapor degreasing as well as for cold cleaning metals and other materials. Its stabilizers effectively inhibit Tri-Ethane from decomposition and from attacking metals.

The superior stabilizers in the PPG product distill in the same temperature range as the solvent and are not lost or destroyed by distillation or vapor degreasing. As a result, Tri-Ethane is safe and easy to distill and can be used over and over again. Only the amounts lost by evaporation need be replaced. Flammable petroleum solvents, on the other hand, are ordinarily not reclaimed and create a disposal and pollution problem. Other reasons why Tri-Ethane may be more economical than petroleum solvents are that it dissolves soil faster and evaporates faster, affording cleaner parts and greater work output. It also penetrates better and cleans recesses so that Tri-Ethane is the chlorinated solvent preferred for ultrasonic cleaning. The powerful solvency of Tri-Ethane enables it to carry a greater soil load and keep soils in solution.

Versatile Tri-Ethane dissolves many types

of soils including oils, greases, waxes, tars, fats, gums and resins. Yet it is inert to most plastics and elastomers and has far less effect than other chlorinated solvents on painted surfaces.

Tri-Ethane may be added to certain proprietary solvent blends to reduce their flammability as well as to increase their solvency. Water-white Tri-Ethane can be blended with common petroleum solvents without discoloration.

GRADES

Tri-Ethane is a versatile, all-purpose solvent for cold cleaning, vapor degreasing and for use in resin application, as an adhesive solvent and in aerosols as a solvent and vapor pressure depressant. Because it is not necessary to stock numerous variations for different uses, time, space and money can be saved.

USES

The numerous applications of Tri-Ethane fall into several main categories: production parts cleaning, maintenance cleaning, formulating, and as an aerosol ingredient.

- Production parts and assemblies made of many different common metals are cleaned with Tri-Ethane. All methods of cleaning are used: wiping, brushing, dipping, spraying, ultrasonics and vapor degreasing. Another important production use is for cleaning printed circuit boards and electronic components.
- Maintenance cleaning is the second major category. Tri-Ethane is used extensively for cleaning many types of production equipment: aircraft, automotive and diesel engines; auto bodies and large airframe parts; storage tanks and piping for aerospace oxidizing agents; compressed gas cylinders; printing rollers and forms; instrument com-

ponents and electrical contacts; electric motors and generators.

- As a formulating solvent for products such as printing inks and lubricants. In aerosols dispensing products such as paints and insecticides, Tri-Ethane can serve as the formulating solvent or as a co-solvent.
- In aerosol propellant systems. It functions as a vapor pressure depressant with propellants that require pressure reduction. And for a third type of use in aerosols, Tri-Ethane is the primary product—dispensed as a cleaning solvent.
- As the developer of photopolymer resist in systems for printing electronic circuit boards because it selectively dissolves the polymeric material in early stages of polymerization.
- In closed textile finishing operations for scouring, desizing and dyeing to minimize pollution.

GOVERNMENT SPECIFICATIONS

Tri-Ethane meets the chemical and physical requirements of the current version of Federal Specification O-T-620. Tri-Ethane is suitable for repackaging in other types of containers as required.

Tri-Ethane meets all the requirements of the current version of Military Specification MIL-T-81533 for 1,1,1-trichloroethane, inhibited, vapor degreasing grade.

HEALTH HAZARDS

Since the major hazard in the use of Tri-Ethane results from excessive concentration of vapors, good ventilation is essential. The concentration of Tri-Ethane in air should not exceed 500 ppm. The time-weighted average concentration should not exceed 350 ppm, as published in the Federal Register October 28, 1972.

Trichlorethylene or Trichlor is a chlorinated solvent produced by PPG Industries Chemical Division for vapor degreasing and other uses.

The major difference between the various brands of Trichlor used for vapor degreasing lies in the stabilizers. These are needed to guard against contaminants such as acids. alkalies, metal chips and fines, as well as exposure to oxygen, light and heat. The stabilizers protect the work and equipment as well as the solvent. PPG Trichlor has a superior stabilizer system that remains effective even after repeated distillations and throughout all phases of degreaser operation, no matter whether the solvent is a boiling liquid, vapor, condensate, or spray. PPG Trichlor is especially fit for degreasing aluminum without staining or pitting. Its modern stabilizer system helps protect PPG Trichlor against decomposition due to aluminum fines.

The stabilizer system in PPG Trichlor includes a neutral acid acceptor and does not use highly alkaline amines merely to neutralize acidic breakdown products. Furthermore, the PPG system uses catalytic regeneration to guard against solvent decomposition by acid. The stabilizer system in PPG Trichlor also includes a deactivator of metallic contaminants and an antioxidant. Its ability to provide constant pH and to protect against sludge formation has helped make PPG Trichlor the best brand of trichlorethylene solvent for vapor degreasing.

GRADES AND FORMS

PPG Industries produces a standard grade of Trichlor and special grades for certain applications such as for a chain transfer agent in polyvinyl chloride production and other special applications.

The standard grade, Degreasing and General Solvent Grade, is stabilized for general,

heavy-duty vapor degreasing and cold cleaning applications.

Among the special grades are Dual-Purpose and High-Purity. Dual-Purpose Grade is a fully stabilized, low-residue product which may be used for LOX flushing and vapor degreasing. It is also used to clean electronic components. High-Purity Grade is a low-residue solvent for cleaning critical electronic components, LOX flushing and synthesizing chemicals. It is not suitable for vapor degreasing.

USES

The vapor degreasing of metal parts during fabrication consumes about 95% of the Trichlor produced in the United States. Miscellaneous solvent and other uses account for the remainder.

The combination of properties that has made Trichlor so popular for vapor degreasing includes its high solvency, relatively low orders of flammability, corrosivity and toxicity under proper operating conditions, and suitable specific heat, boiling point, latent heat of vaporization and vapor density.

- Metals fabricators in many industries such as aerospace, appliance and automotive use Trichlor for vapor degreasing to remove soils and metal chips and fines picked up during different production stages. These industries also use Trichlor as a cold cleaning solvent and as a carrier solvent for certain painting processes.
- Metals producers use Trichlor as the prime solvent for cleaning aluminum. Trichlor ranks second to alkalies for cleaning steel before galvanizing. The advantages of Trichlor for this application include its ability to degrease more thoroughly and several times faster than alkaline cleaners and in smaller equipment yet use less energy.
- Aerospace facilities use Trichlor for LOX

flushing to clean the interiors of liquid oxygen tanks and piping.

- Electronics manufacturers use Trichlor for cleaning critical components.
- Textile mills remove oils and waxes from natural, synthetic and glass fibers and fabrics with Trichlor before bleaching, dyeing, printing and finishing.

GOVERNMENT SPECIFICATIONS

PPG Degreasing and General Solvent Grade and PPG Dual-Purpose Grade meet the chemical and physical requirements of the current version of Federal Specification O-T-634, Technical Grade, for both Type I and Type II material. PPG High-Purity Grade meets these requirements for Type I material only.

PPG Dual-Purpose Grade meets the chemical and physical requirements of Military Specification MIL-T-27602A, Trichlorethylene, Oxygen Propellant Compatible (January 1965). PPG Dual-Purpose Grade also meets NASA and Marshall Space Flight Center specifications for low-residue vapor degreasing solvent.

HEALTH HAZARDS

Since the major hazard in the use of Trichlor results from excessive concentration of vapors, good ventilation is essential. The concentration of Trichlor vapor permitted in the working atmosphere by OSHA, as published in the Federal Register of October 18, 1972, should not exceed 200 parts per million with a time-weighted average (TWA) of 100 ppm. A temporary excursion to 300 ppm is permitted provided the worker's exposure is no more than 5 minutes in any continuous 2-hour period. Fatal concentrations can occur in confined, unventilated areas such as tanks. No adverse physiological effects have been observed when vapor concentrations are kept below the threshold limit value.



KING MUSICAL INSTRUMENTS, INC.

33999 CURTIS BOULEVARD . EASTLAKE, OHIO 44094 . 216/946-6100

INTER-OFFICE MEMO

DATE: July 1, 1982

TO:

Distribution

AT:

FROM:

Mark Friedman AMF

AT:

SUBJECT: Disposal of Chlorinated Solvent Sludge

The attached reprint represents EPA-required procedures to be utilized when disposing of chlorinated solvent sludge. As a result of our meeting with Van Waters & Rogers on Monday afternoon, June 28, the following internal procedures will be followed to facilitate our handling of sludge:

- Foremen will be responsible for sludge generated from their departments and will be instructed by Production Control to fully fill drums prior to filling other drums.
- 2. Foremen will also be responsible for moving filled drums to the dock for disposal by shipping, and identifying each drum as to its' content (1-1-1 or Tri). Note: Ed Stanisa must be notified of drums being moved to the shipping dock prior to their actual move.
- 3. All drums being utilized for sludge must have all original markings obliterated and proper identification then placed on drums per attached instruction sheets. This activity to be performed by shipping personnel.
- 4. Upon receipt of drums, shipping will notify purchasing of the total number of drums to be disposed of, and the material contained in the drums: Purchasing will then prepare shipping manifests of dangerous chemicals and contact vendor for pickup. Manifests will be given to shipping for pick up by vendor.

Drums used for sludge must be metal and properly sealed. Try to avoid filling Van Waters & Rogers' empty 1-1-1 drums, as this will prohibit the collection of credits due King from drum rentals.

Please read the attached instruction sheets and follow accordingly.

cmp

Distribution: L. Grigas

B. Kramerick

J. Roach

E. Stanisa

A. Wysocki

cc: R. L. DeCosky

C. V. Stone

J. J. Reed

J. Haynes√

FAZARDOUS WASTE

FEDERAL LAW PROHIBITS IMPROPER DISPOSAL

IF FOUND, CONTACT THE NEAREST POLICE, OR PUBLIC SAFETY AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

| PROPER D.O.T. SHIPPING NAME | .· U | N OR NA# |
|------------------------------|---------|----------|
| GENERATOR INFORMATION: | | |
| ADDRESS | | |
| CITYE P.A. IDENTIFICATION NO | | |
| ACCUMULATION START DATE | | |
| PRODUCT NAME | | <u> </u> |

CONTAINS HAZARDOUS OR TOXIC WASTES

HANDLE WITH CARE!

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ORIGINAL - NOT NEGOTIABLE

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| is hereby specifically stated by the shipper to be not exceeding S | . | (Signature of Cons | ignor1 | | | |
| RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Ladi | ng, the property described above | in apparent gr | ood order, exce | ept as noted (conte | nts and condition of contents of | |
| packages unknown), marked, consigned, and destined as indicated above which said carrier (the word carri- under the contract) agrees to carry to its usual place of delivery at said destination, it in its route, otherw or any of, said property over all or any portion of said route to destination and as to each party at any time | use to deliver to another carrier : | on the route to | SRID Destinati | on this mutually. | acreed as to each carrier of all | |
| 5411 of lading terms and conditions in the governing classification on the date of shipment. Shipper hereby certifies that he is familiar with all the bill of lading terms and conditions in the governing | | | | | | |
| and his assigns. | | والمتعارضة والمحارضة | | أوار كالمراجعة المحادثات | | |
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| E.P.A. ID Code Not 040 0807857799 Address 30450 78504 2050 | | | | | | |
| Destination WALAZINGE OH UNILL | - National Resp | onse C | enter | in D. | 1-800-424-8802 C. 426-2675 | |
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| This is to certify that the above named materials are properly classifi | ed, described, packa | | | | | |
| for transportation according to the applicable regulations of the De | partment of Transpor | tation and | the U.S | . Environme | ntal Protection Agency. | |
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PROPER INITITION FOR SLOWGE PICK-UPS

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- b) The foremen involved will evacuate the area of all nonessential personnel. The foremen of surrounding departments will keep their employees within their departments. Should partial or total evacuation of personnel be required, all foremen will assist. Each foreman will follow the Evacuation Procedure designed for the particular department.
- c) The guard will call the Fire Department and then proceed to the driveway entrance to assist the Fire Department in the location of the fire.
- d) Foreman of Department 25, or alternate, Foreman of Department 95, will go to the outside post control valve which controls the water shut off of the fire area. The valve should be physically tested for the wide open position and standby the valve to make sure that it remains open until instructed to close it by the public fire department chief.
- e) There will be no clean-up or salvage in the area until authorized by the Plant Manager, at which time the Maintenance Manager will be in charge of the clean-up assisted by the Maintenance Department and others designated from factory personnel.

EVACUATION PLAN

Each department supervisor has been issued an Evacuation Plan with instructions to inform all employees in the area and then post the plan on the department bulletin board. Once the building has been evacuated, no personnel will re-enter the building until permission is given by the public fire department chief. (See attached)

CITADEL ALARM SYSTEM

Citadel Alarm Inc. monitors all Fire, Boiler, Sprinkler, and Burglar alarms.

They have a direct line with Eastlake authorities. (See attached)

TRAINING

Periodic training sessions will be held to familiarize all supervisors of the Plant Emergency Procedure. In addition, periodic inspections will be held to be sure all fire protection equipment is in a ready state of use,

CITADEL ALARM, INC.

Service Agreement Terms for

Central Station Protective Signaling Service and

Direct Connected and Local Alarm Service

| | | | | | • | |
|---|--|--|---|--|-------------------|----------------------------|
| AGREEMENT made this | 22ND | day of | JUNE | | ₁₉₇ _6 | _ between |
| | CITADEL ALARM INC. | | | | • | • |
| | | | | | | |
| (hereinafter called "COMPA (hereinafter called "SUBSCR | NY") and KING MUSICAL | INSTRUMENTS, DI | V. OF THE SEE | BURG CORP. | - | • |
| 1. The Company | will furnish its electric protect | ive service to the Subscribe | er connected by individ | lual circuit or circuits w | ith a central | station of |
| the Company in connection | with the Subscriber's premises | et 33999 CURTIS B | LVD EASTL | AKE, 0H10 44 | D94 | |
| by means of the electric problems, instrum | rotective equipment specified in nents and all cabinets, cables, ci emain the personal property of | the Schedule of Protection onduits, connections, foils, s | outlined on back, with | the understanding tha | t the entire : | system, in- sted there- |
| 2. Company sha scriber agrees not to permi | If without liability and not as of t, in connection therewith, the a | on insurer, maintain the sar ttachment or use of any ap | ne in good working o paratus which is not fu | rder during the term or rnished by Company. | f this Agreer | nent. Sub- |
| 3. Subscriber sho | all pay Company. | | | | | |
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| B. And shall | pay in addition for operating s | aid apparatus, the sum of | | | | |
| | | | • | | | |
| TWO_THOUSAND_ | ONE HUNDRED DOLLARS | <u> </u> | | | \$ 2100 | .00 |
| • | | | | | | |
| annually, payable_FIVE | HUNDRED TWENTY FI | <u>VE DOLLARS AND NO</u> | 0/100 | | <u>525</u> | .00 |
| quarterly in advance during | g the term of this Agreement. | ÷ | | | | |
| | is otherwise herein provided, this | | | | | |

prior to the termination of the contract period or of any yearly period subsequent to the initial three (3) year period is given by either of the parties herein. Payment shall be due on the same date the first payment was due. Subscriber shall be liable for and pay to Company any excise, sales or other taxes which may be imposed upon Company or the Subscriber because of the existence of this Agreement and/or the carrying out of the provisions hereaf.

D. The Contractor shall have the right to increase the annual service charge provided for herein at any time after the expiration of two years from the date such system is operative under this agreement or after two years from the effective date of this agreement if an effective date is herein specified, upon giving the Subscriber written notice sixty (60) days in advance of the effective date of such increase, and if the Subscriber is unwilling to pay any such increased charge, the Subscriber may cancel the then unexpired term of this agreement by notifying the Contractor in writing thirty (30) days prior to the otherwise effective date of any such increase. Any advance payments made for service to be supplied subsequent to the date of such termination shall be refunded to the Subscriber.

EASTLAKE CITY COUNCIL

STEVE KOMARJANSKI, PRES.

RICHARD FATUR

R. GLENN HLEBAK

JACQUELINE HRNYAK

JAMES KRAINZ

RUDY MARIAN

DONALD WELKER

FIRE DEPARTMENT CHIEF CHARLES W. MUSSER

Phones:

951-2287 951-2290

"CROSSROADS OF INDUSTRIAL LAKE COUNTY"

35150 LAKE SHORE BOULEVARD 44094 + PHONE 951-1416

Mayor, Morris Becker

JUN 0 8 BEBLI

DIRECTORS

LAW THEODORE KLAMMER RECREATION KURT KRAUS FINANCE DAVID D. MILLER SERVICE RONALD STACKHOUSE SAFFTY ROBERT TROYAN

June 6, 1983

Mr. John J. Haynes, Manager Personnel Administration King Musical Instruments 33999 Curtis Boulevard Eastlake, Ohio 44094

Dear Mr. Haynes,

I have received a copy of your contingency plan for plant emergency procedures. As you know, we are charged with prevention losses, and to minimize losses when a fire or disaster occurs. Along these lines it is my duty to inform you that your procedure could increase the response time necessary for us to do our job adequately. The Fire Department should be notified as soon as possible after the discovery of an unfriendly fire or incident. This notification should be placed amoung the first things done by personnel in you departments, and should be so noted in your contingency procedures. I have attached a copy of the Ohio Code pertaining to unfriendly fires. Your cooperation in this matter will be appreciated.

Also, if you require assistance in setting up training programs, we would be happy to help.

Yours in safety,

CMmisser

Charles W. Musser, Chief Eastlake Fire Department

Enclosure

OHIO REVISED CODE

- 3737.63 Duty upon discovery of unfriendly fire.
 - (A) The owner, operator, or lessee, an employee of any owner, operator, or lessee, an occupant, and any person in direct control of any building regulated under the Ohio building code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire, and shall spread an alarm immediately to all occupants of the building.
 - (B) For the purpose of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.
 - (C) No person shall fail to comply with this section.



CLOSURE PLAN FOR FILTER BEDS

TA

KING MUSICAL INSTRUMENTS
33999 CURTIS BLVD.
EASTLAKE, OHIO



ELOYD BROWNE ASSOCIATES, LIMITED

ENVIRONMENTAL CONSULTANTS INC.

King Musical Instruments 8421-02

January 22, 1986

Mr. Edward H. Chesko Corporate Director of Engineering King Musical Instruments, Inc. 33999 Curtis Boulevard Eastlake, OH 44094

Dear Mr. Chesko:

Subject: Filter Beds - Closure Plan

As authorized by Purchase Order K-58959 dated November 23, 1985, enclosed are two copies of the Closure Plan for your files and a copy of the letter transmitting these copies to the Ohio Environmental Protection Agency.

We look forward to meeting with you next week to discuss this project.

Sincerely,

Craig W. Juday, P.E.

paf

Enclosures (3)



FLOYD BROWNE ASSOCIATES, LIMITED

P.O. BOX 587, 181 S. MAIN ST., MARION, OHIO 43302 (614) 383-2187

ENVIRONMENTAL CONSULTANTS, INC.

King Musical Instruments 8421-02

January 21, 1986

Mr. Edward H. Chesko Corporate Director of Engineering King Musical Instruments, Inc. 33999 Curtis Blvd. Eastlake, OH 44094

Dear Mr. Chesko:

Subject: Filter Beds Closure Plan.

As authorized by Purchase Order K-58959 dated November 22, 1985, Floyd Browne Associates, Limited (FBA) is pleased to submit a Closure Plan for the two filter beds located at your facility.

The implementation of the Closure Plan will return King Musical Instruments to compliance with Rule 3745-66-10, et. al., of the Ohio Administrative Code, promulgated January 7, 1983, and amended, in part, August 30, 1984.

We thank King Musical Instruments for the opportunity to prepare this plan. Also, we appreciate your assistance in providing the information that we requested.

Sincerely,

Craig W. Juday, P.E.

slf

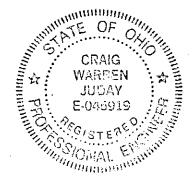


TABLE OF CONTENTS

| | - | PAGE NO. |
|-------------|--|---|
| | INTRODUCTION | 1 |
| | GENERAL FACILITY DESCRIPTION | 2 |
| | DESCRIPTION OF CONTAMINATED AREA | 3 |
| DESCRIPTION | N OF OPERATIONS LEADING TO CONTAMINATION | |
| SPECIFIC F. | ACILITIES SUBJECT TO CLOSURE | 3 |
| MAXIMUM IN | VENTORY OF WASTES IN CONTAMINATED AREA | 4 4 |
| | HYDROGEOLOGICAL ASSESSMENT | <u>, , , , , , , , , , , , , , , , , , , </u> |
| DECORTO | | 5 |
| DESCRIPTION | N OF SAMPLING AND ANALYTICAL WORK | . 5 |
| TEVEL OF C | STRATIGRAPHY AND HYDROLOGIC CHARACTERISTICS | 7 |
| IEVEL OF G | ROUNDWATER CONTAMINATION | 8 |
| TEAET OF 20 | OIL CONTAMINATION | 9 |
| | METHOD OF CLOSURE | 13 |
| DECONTANTAL | ATION ACTIVITIES | 13 |
| | ROTECTIVE CLOTHING | 13 |
| DISPOSAL OF | NOINCITYE CLOIMING | 14 |
| DIDIOURL OF | E WASIES | 14 |
| | SCHEDULE OF CLOSURE | 15 |
| | SCHEDULE OF COSTS | 16 |
| | REVIEW AND CERTIFICATION OF CLOSURE ACTIVITIES | |
| | BY PROFESSIONAL ENGINEER | 4 |
| | | 17 |
| | POST CLOSURE CARE | 18 |
| | LIST OF APPENDICES | |
| APPENDIX | | |
| | | PAGE NO. |
| A B | WELL LOG DATA SHEETS FOR MONITORING WELLS CHAIN OF CUSTODY RECORDS FOR SOIL AND | A-1 |
| С | WATER SAMPLES | B-1 |
| D | SOIL BORING AND MONITORING WELL LOGS | C-1 |
| D | LABORATORY RESULTS FOR SOIL AND WATER SAMPLES | D-1 |
| | LIST OF TABLES | |
| TABLE NO. | | : |
| | | PAGE NO. |
| 1 - | | 8 |
| 2 | UPGRADIENT COMPOSITE SOIL SAMPLES | 9 |
| 3 | FILTER BED COMPOSITE SOIL SAMPLES | 10 |

TABLE OF CONTENTS (Continued)

LIST OF TABLES (Continued)

| TABLE NO. | | PAGE NO. |
|-----------|--|------------------|
| 4 | EXTRACTION PROCEDURE (EP) TOXICITY OF | |
| | FILTER BED SOIL SAMPLES | 10 |
| 5 | DOWNGRADIENT COMPOSITE SOIL SAMPLES | 11 |
| 6 | COMPARISON OF DOWNGRADIENT SOIL | - - |
| | CONCENTRATIONS OF RCRA-REGULATED METALS | |
| | TO ACCEPTABLE RANGE FOR OHIO FARM SOILS | 12 |
| | LIST OF PLATES | ÷ : |
| PLATE NO. | | FOLLOWS PAGE NO. |
| 1 | LOCATION MAP | |
| 2 | FILTER BEDS - PLAN AND PROFILE | 2 |
| 3 | SITE PLAN/MONITORING WELL AND SOIL SAMPLE | 3 |
| | LOCATIONS | _ |
| 4 | | 5 |
| • | VERTICAL PROFILE AND SUBSURFACE STRATIGRAPHY | 7 |

INTRODUCTION

King Musical Instruments (KMI), Eastlake, Ohio, generates an FOO6 wastewater treatment sludge as a result of its metal finishing wastewater treatment system. Sludge, as well as clarifier effluent was periodically discharged to filter beds for additional treatment. On June 17, 1983, the Ohio Environmental Protection Agency (OEPA) characterized these beds as tanks based on the determination that a concrete slab existed, and thus advised KMI of their exclusion from hazardous waste regulation.

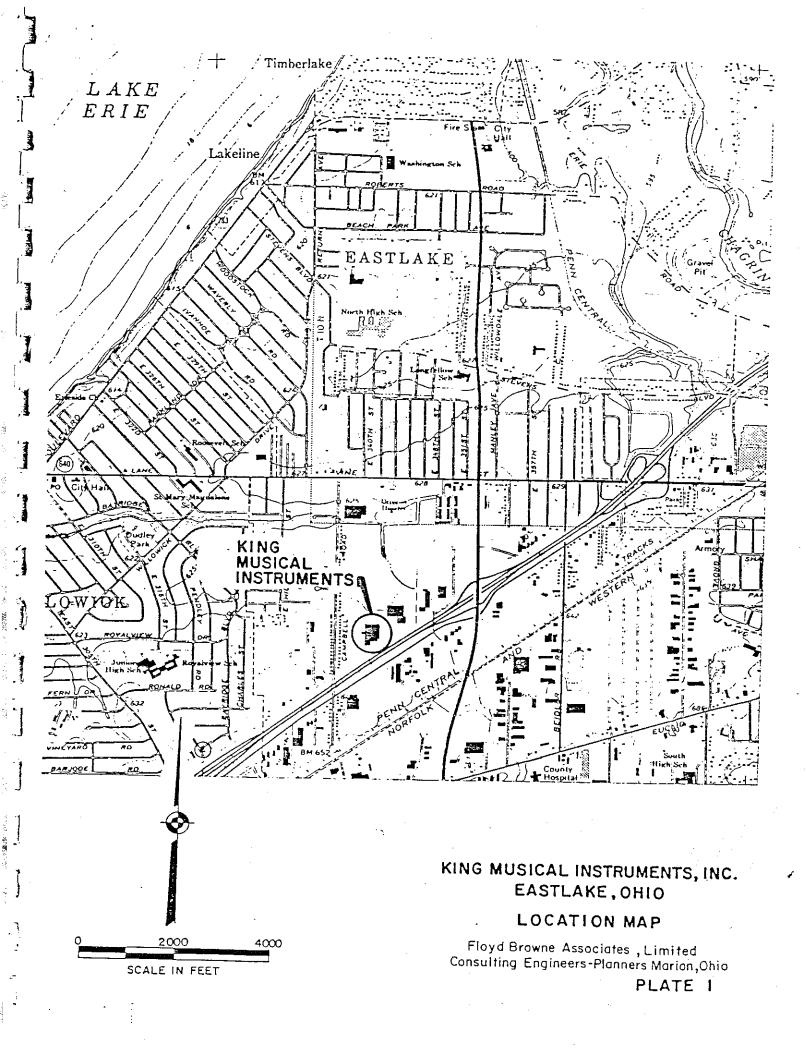
In November 1985, KMI personnel inspected the beds and discovered that an earthen base may have existed and promptly notified OEPA of a potential problem. OEPA requested during a November 15, 1985, meeting that KMI confirm the existence of an earthen base and if so, take the units out of service and submit a closure plan. KMI immediately placed the filter beds out of service, reinspected the beds, and reported to OEPA on November 20, 1985, that an earthen base existed rather than a concrete base. In addition, on November 22, 1985, KMI authorized its environmental consultant, Floyd Browne Associates, Limited (FBA) to begin preparation of a closure plan.

On November 27, 1985, OEPA reclassified the filter beds as a surface impoundment and formally advised KMI that they were in violation of state and federal hazardous waste rules. OEPA further instructed KMI to 1) certify compliance with groundwater monitoring and financial assurance regulations plus submit a Part B permit application or 2) take the filter beds out of service and submit a closure plan. This closure plan is prepared in accordance with OAC 3745-66-12, et al. and is in response to OEPA requirements. Implementation of this plan will return KMI to compliance status.

GENERAL FACILITY DESCRIPTION

The KMI production facility is located at 33999 Curtis Blvd., Eastlake, Ohio, in southeastern Lake County. Products manufactured at this facility consist of wooden and plated brass musical instruments. Plate 1 shows the location of KMI's facility.

The plant consists of one building with a total area of 132,766 square feet. This building is subdivided into office space, warehouses, machine shops, plating and polishing processes, wood shops and assembly areas. Production involves all phases of musical instrument manufacturing from initial metal cutting and grinding to plating operations.



DESCRIPTION OF CONTAMINATED AREA

The filter beds are located outside the plant in a fenced-in area adjacent to the northwest corner of the plant. There are two beds, each 20 feet by 30 feet with a total surface area of 1,200 square feet. The beds are surrounded and separated by 8 inch concrete walls supported by 24 inch wide foundation.

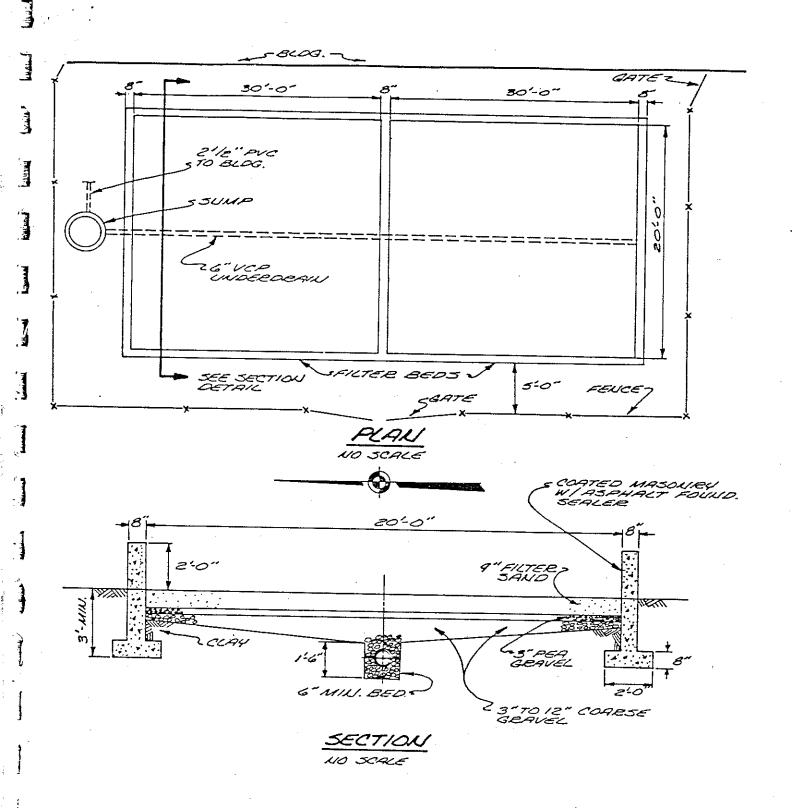
Material within the bed consists of approximately 9 inches of coarse-grained sand underlain by approximately 3-4 inches of pea gravel and 12 inches of coarse gravel. Beds are constructed on a shallow layer of clay soil. Shale bedrock is 6 feet below the surface of the beds.

At the base of the gravel layer is a underdrain system, consisting of a perforated pipe. After filtering through the sand and gravel, wastewater collected in this pipe flows to a sump, where it is pumped either to the wastewater treatment system for further treatment or to the plant drain system for discharge to the Eastlake Sanitary Sewer System. Plate 2 shows a plan and profile of the filter beds.

DESCRIPTION OF OPERATIONS LEADING TO CONTAMINATION

Wastewaters from KMI's metal finishing and pickling operations undergo typical metal precipitation treatment. Processes include pH adjustment, flocculation, clarification, and final pH correction. Caustic is introduced to form insoluble metal hydroxides and polymer is introduced to promote flocculation. Insoluble metal hydroxides are removed in a clarifier. Effluent from the clarifier undergoes final pH adjustment prior to discharge to Eastlake's sanitary sewer system.

The filter beds were used either to store and dewater metal hydroxide sludge or to provide additional polishing of the clarifier effluent. Characteristics of the wastewater introduced into the filter



KING MUSICAL INSTRUMENTS, INC. EASTLAKE, OHIO FILTER BEDS PLAN & PROFILE

Floyd Browne Associates , Limited Consulting Engineers-Planners Marion, Ohio

PLATE 2

beds prior to November 1985, consisted primarily of copper, nickel, and zinc hydroxides.

SPECIFIC FACILITIES SUBJECT TO CLOSURE

Only the filter beds, underdrain piping, and sump are subject to closure.

MAXIMUM INVENTORY OF WASTES IN CONTAMINATED AREA

The volume of waste material in the filter beds is minimal. In a few small places there is a thin (less than 1/8 inch thick) film of metal hydroxide sludge on top of the sand layer. Assuming a uniform thickness sludge of 0.125 inches, the maximum volume of sludge in the filter beds is estimated to be 12.5 ft³ (0.5 cubic yards).

HYDROGEOLOGICAL ASSESSMENT

OEPA required a hydrogeological investigation as part of this Closure Plan in order to evaluate subsurface conditions and groundwater quality at the facility prior to actual closure. This assessment includes a description of sampling and analytical methods, subsurface stratigraphy and hydrologic characteristics, the level of groundwater contamination and the level of soil contamination at KMI.

DESCRIPTION OF SAMPLING AND ANALYTICAL WORK

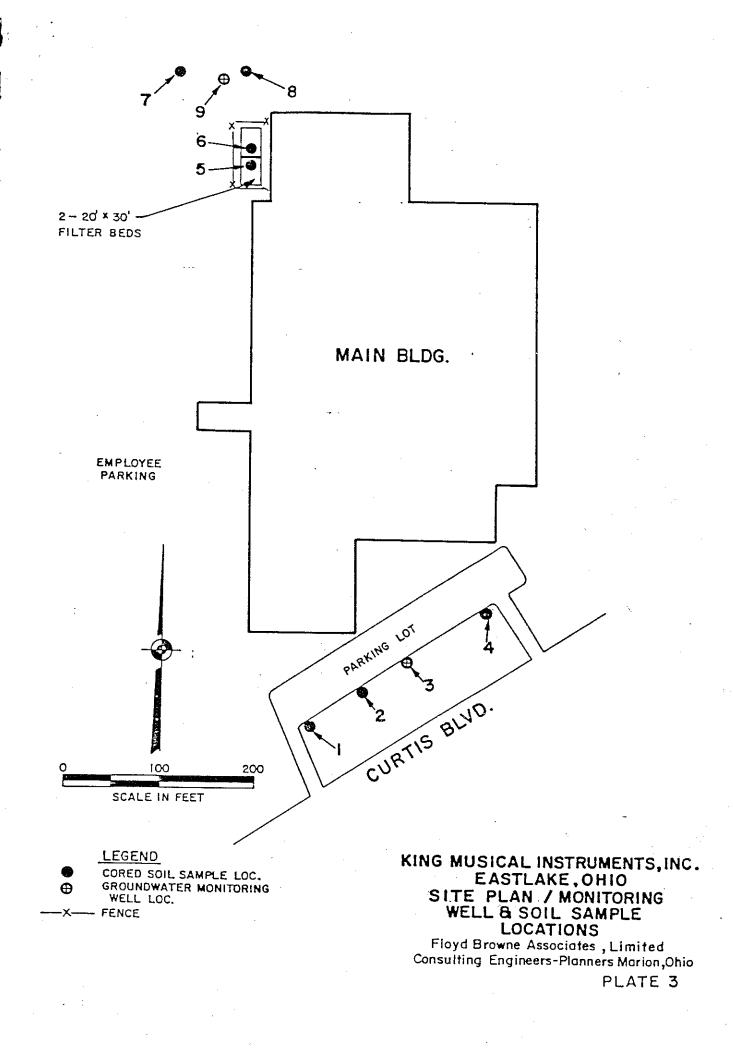
Seven eight foot deep test borings were driven and two monitoring wells installed at KMI on December 16 and 17, 1985. Plate 3 is a site plan of the plant showing the location of test borings and monitoring wells.

Three test borings (Stations 1, 2, and 4) and one monitoring well (Station 3) were completed in an uncontaminated upgradient area.

Two test borings (Stations 7 and 8) and one monitoring well (Station 9) were completed downgradient of the plant to evaluate contaminant migration, if any, from the filter beds.

Two test borings (Stations 5 and 6) were driven directly into the filter beds.

Both monitoring wells were installed in 15 foot deep boreholes drilled using hollow stem augers. The upgradient well was drilled first to limit the potential for cross-contamination. Wells were constructed of 2-inch I.D. PVC riser pipe with 10 foot long slotted (.015 inch) PVC well screens. Well pipe was lowered into the borehole, and the annular space around the screen packed with washed medium grained sand. Sand pack for both wells continued 1-2 feet above the screen. A bentonite seal was placed on top of the sand and the remaining space filled with a



cement grout. A section of 4-inch diameter stainless steel casing with hinged locking cap was installed in the grout such that the top is slightly above the top of the PVC. The top of the well riser pipe was fitted with a PVC cap. Appendix A contains the well log reports for both wells.

Soil samples were taken directly from an 18-inch long, 3/4-inch I.D. split spoon sampler using disposable plastic spatulas. The split spoon sampler was decontaminated by steam cleaning before each sampling interval. Samples were placed in plastic sample cups, marked, and stored in a portable ice chest.

Immediately after installation of the monitoring wells, no water was observed in either well. In one hour, water was encountered in both wells. Each well was bailed dry, allowed to recharge, and then bailed again prior to sampling. The upgradient well was sampled first to limit the possibility of cross-contamination.

From each well, 2.75 liters of water was collected. A 2.5 L bottle was filled for pH, conductivity, total organic carbon and metals analyses. In addition, a 0.25 L bottle was completely filled (no headspace) for total organic halogen analysis. These bottles were sealed, marked and placed in a portable ice chest.

Normal chain of custody procedures were followed for all samples. Appendix B contains chain of custody forms used for KMI samples.

All samples were submitted to Aqua Tech Environmental Consultants on December 18, 1985 for analyses. Soil samples were analyzed for cadmium, chromium, copper, cyanide, lead, nickel, silver, and zinc. In addition to these metals, water samples were analyzed for pH, conductivity, total organic carbon and total organic halogen.

Soil samples for the upgradient locations (Stations 1-4), filter beds (Stations 5 and 6), and the downgradient sites (Stations 7 and 8) were composited according to depth before analysis by ATEC.

All methods used by ATEC are those found in USEPA publications #SW-846 (Test Methods for Evaluating Solid Waste) and #600/4-79-020 (Methods for Chemical Analysis of Water and Wastes).

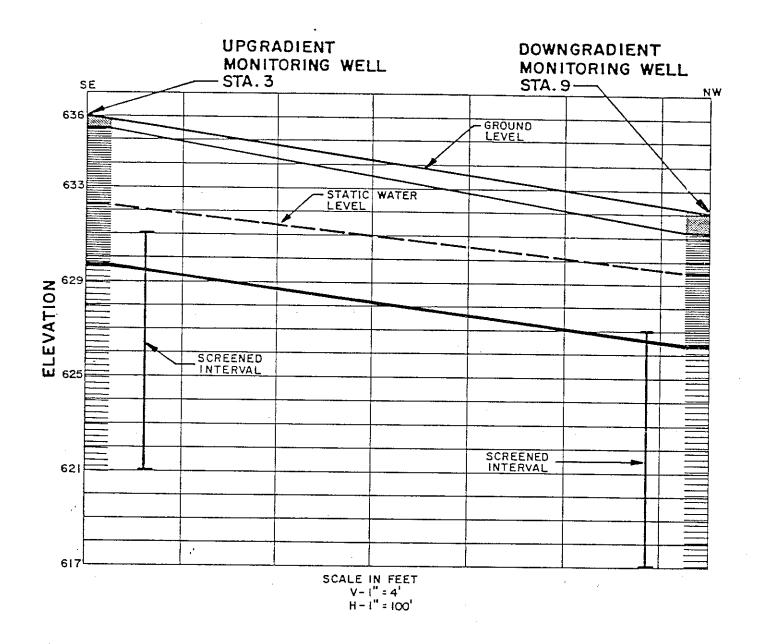
SUBSURFACE STRATIGRAPHY AND HYDROLOGIC CHARACTERISTICS

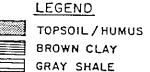
The entire southeastern portion of Lake County, Ohio, west of the Chagrin River is underlain by dense glacial clay deposits and shale bedrock of the Devonian Chagrin Shale Formation. Appendix C contains log information for the nine borings made at KMI.

The clay units (including topsoil) beneath KMI are between 4.1 feet (Station 7) and 6.3 feet (Station 3) thick. Some of the clay was removed during installation of the filter beds, and was replaced by sand and gravel to facilitate wastewater collection.

The elevation of the top of the Chagrin Shale for the upgradient sites (Stations 1 - 4) is between 629.7 and 630.5 feet above sea level, and between 625.5 and 627.1 feet above sea level for the downgradient sites and filter beds (Stations 5 - 9). The slope of the shale surface is gradual (.06 inches/foot; 26.5 feet/mile) to the north-northwest. Plate 4 is a vertical profile drawn between the two monitoring wells, illustrating this slope and the hydraulic gradient.

Both the clay and the shale are considered poor sources of groundwater for domestic or industrial use due to their impermeability. Water can migrate in small quantities through shales along bedding planes and partings, although a pump test will usually yield less than 1-2 gpm.





KING MUSICAL INSTRUMENTS, INC. EASTLAKE, OHIO VERTICAL PROFILE &

VERTICAL PROFILE & SUBSURFACE STRATIGRAPHY

Floyd Browne Associates , Limited Consulting Engineers-Planners Marion,Ohio

PLATE 4

Groundwater at KMI is of this type where water migrates in small quantities through shale.

LEVEL OF GROUNDWATER CONTAMINATION

Water samples from both monitoring wells were collected on December 17, 1985, and analyzed by Aqua Tech Environmental Consultants. Appendix D contains all laboratory results of KMI samples.

Table No. 1 summarizes the results of water sampling and compares results with primary or secondary drinking water standards set forth in the Safe Water Drinking Act.

TABLE NO. 1

| Lab No. Date Sampled Time Sampled | Upgradient Well Station 3 6512-85 12-17-85 13:00 | Downgradient Well Station 9 6513-85 12-17-85 15:00 | SDWA Limitations |
|-----------------------------------|--|--|---------------------|
| PH, S.U. | 5.8 | 7.5 | 6.5 - 8.5 |
| Conductivity, umho | 2700 | 2200 | _ |
| T. Organic Carbon, mg/l | 9.0 | 6.8 | · - |
| T. Organic Halogen, mg/1 | 29 | 14 | _ |
| T. Cyanide, mg/l | 0.01 | 0.01 | _ |
| Cadmium, mg/l | 0.001 | 0.001 | 0.01 |
| Chromium, mg/1 | 0.012 | 0.010 | 0.05 |
| Copper, mg/1 | 0.012 | 0.016 | 1.0 |
| Lead, mg/l | 0.006 | 0.006 | 0.05 |
| Nickel, mg/l | 0.360 | 0.032 | - |
| Silver, mg/l | 0.004 | 0.004 | 0.05 |
| Zinc, m g/l | 0.220 | 0.040 | 5.0 |

Note: Metals, Cyanide and TOC determined on filtered samples.

With the exception of pH for the upgradient well, all values are within primary and secondary limitations set forth by the Safe Drinking Water Act. The proximity of the upgradient well to the State Route 2 expressway may account for the low pH of upgradient groundwater. Road salts used to deice expressways can form weak acids when mixed with water which will lower pH of surface and groundwater.

A high value for conductivity is common in newly developed wells. LEVEL OF SOIL CONTAMINATION

Soil samples were collected from seven test borings and the well cuttings of the upgradient monitoring well on December 16 and 17, 1985, and analyzed by ATEC. Tables Nos. 2, 3, 4, and 5 summarize the results of soil sampling.

TABLE NO. 2

KING MUSICAL INSTRUMENTS

UPGRADIENT COMPOSITE SOIL SAMPLES

(Stations 1 - 4)

| Interval | 0-2 Ft | 2-4 Ft | 4-6 Ft | 6-8 Ft |
|---|---|---|---|--|
| Cadmium, mg/kg Chromium, mg/kg Chromium, mg/kg Copper, mg/kg Lead, mg/kg Nickel, mg/kg Silver, mg/kg Zinc, mg/kg Cyanide, mg/kg | 0.38 6 13 8 20 0.19 67 0.2 | 0.26 7 16 4 19 0.26 55 0.2 | 0.34 7 14 7 24 0.17 51 0.2 | 0.34 20 6.5 34 0.34 63 0.2 |

TABLE NO. 3

KING MUSICAL INSTRUMENTS

FILTER BED COMPOSITE SOIL SAMPLES

(Stations 5 - 6)

| Interval - | 0-2 Ft | 4-6 Ft |
|---|---|---|
| Cadmium, mg/kg Chromium, mg/kg Copper, mg/kg Lead, mg/kg Nickel, mg/kg Silver, mg/kg Zinc, mg/kg Cyanide, mg/kg | 1.1 6 1360 80 1350 8 1340 | 3 7 330 24 140 9 380 0.3 |

TABLE NO. 4

KING MUSICAL INSTRUMENTS

EXTRACTION PROCEDURE (EP) TOXICITY

OF FILTER BED SOIL SAMPLES

| Parameter | Concentration $\frac{(mg/1)}{}$ | EPA Limitation (mg/1) |
|--|---|---|
| Arsenic Barium Cadmium Chromium Lead Mercury Selenium Silver | 0.04 1.0 0.01 0.10 0.20 0.003 0.006 0.35 | 5.0 100.0 1.0 5.0 5.0 0.02 1.0 5.0 |

The material within the filter beds is non-hazardous waste.

No other heavy metals were used in any process or found as contaminants in any raw materials, except in trace quantities. No chlorinated solvents or other reagants were ever pumped to the filter beds.

TABLE NO. 5

KING MUSICAL INSTRUMENTS

DOWNGRADIENT COMPOSITE SOIL SAMPLES

(Stations 7 - 8)

| Interval | 0 - Ft | 4 - 6 Ft |
|-----------------|--------|-----------|
| Cadmium, mg/kg | 0.38 | 0.40 |
| Chromium, mg/kg | 11 | 0.40 8 |
| Copper, mg/kg | 23 | . 21 |
| Lead, mg/kg | 6 | 4.7 |
| Nickel, mg/kg | 0.28 | 0.18 |
| Silver, mg/kg | 89 | 86 |
| Zinc, mg/kg | 0.1 | 0.3 |
| Cyanide, mg/kg | • | 0.5 |

Metal concentrations of downgradient soil samples are only slightly elevated above background concentrations. Total concentrations of RCRA-regulated metals are compared to the range for Ohio farm soils in Table No. 6 to demonstrate that soils downgradient of the filter beds are "clean."

TABLE NO. 6

COMPARISON OF DOWNGRADIENT SOIL CONCENTRATIONS

OF RCRA-REGULATED METALS

TO ACCEPTABLE RANGE FOR OHIO FARM SOILS

| <u>Metal</u> | Range for Ohio* Farm Soils (Total Metal Concentration <u>in mg/kg)</u> | Range of Downgradient Soil Concentration at KMI (Total Metal Concentration in mg/kg) |
|--------------|--|--|
| Cadmium | 0.0 - 2.9 | 0.38 - 0.40 |
| Chromium | 4.0 - 23.0 | 8.0 - 11.0 |
| Lead | 9.0 - 39.0 | 4.7 - 6.0 |

*(Source: Logan, T.J. and Miller, R.H., 1983, Backround Levels of Heavy Metals in Ohio Farm Soils: Research Circular 275, Ohio State University, Ohio Agricultural Research and Development Center, Wooster)

No significant migration of contaminants has occurred from the filter beds to the downgradient soil.

METHOD OF CLOSURE

The following closure procedure is proposed for the filter beds at King Musical Instruments:

- Remove fence surrounding filter beds.
- Expose concrete wall surrounding the filter beds by excavation.
- Sandblast concrete wall.
- Remove concrete wall to facilitate access to the filter beds.
- Excavate the top six (6) feet of material from the filter beds and transport to a sanitary landfill for disposal.
- Excavate the sump which collects wastewater at the base of the filter beds and remove pump.
- Fill in the sump with granular backfill.
- Remove piping to the sump.
- Backfill excavated area, using broken sections of concrete walls as a base.
- · Place 12 inches of topsoil and seed the backfilled area.

DECONTAMINATION ACTIVITIES

The material in the filter beds is non-hazardous; therefore, decontamination activities beyond sandblasting the concrete walls are not anticipated at KMI. If necessary, equipment decontamination would consist of rinsing heavy equipment with a one-inch diameter hose, which is attached to the public water supply.

PERSONAL PROTECTIVE CLOTHING

Although direct exposure to the waste material in the filter beds at KMI would produce no adverse affect, it is recommended that all personnel who come in contact with material to be removed be equipped with the following:

- Rubber gloves.
- Neoprene steel-shank boots.
- Eye protection.

A low pressure water hose will be immediately available in case of extreme skin or eye contact.

DISPOSAL OF WASTES

<

Material removed from the filter beds will be disposed of as non-hazardous waste at the Lake County Land Improvement Landfill, pending approval.

The expected volume of material to be disposed is $7,200~{\rm ft}^3$, or $270~{\rm cubic}$ yards.

SCHEDULE OF CLOSURE

King Musical Instruments intends to remove all waste material within 90 days and effect complete closure within 180 days of submission of this plan. This schedule will enable KMI and OEPA to monitor progress of closure activities.

| ITEMS | DATE |
|---|------------------------|
| Filter beds abandoned as a polishing filter. | November 15, 1985 |
| Secure approval for disposal of waste material at a sanitary landfill. | February 14, 1986 |
| Obtain OEPA Approval of Closure Plan. | May 30, 1986 |
| Select contractors for Closure activities. | June 13, 1986 |
| Mobilize excavating equipment and manpower. | June 23, 1986 |
| Remove fencing, excavate concrete wall, sandblast concrete wall, and break up of concrete wall. | June 23-27, 1986 |
| Begin transport vehicle loading and make shipments to sanitary landfill. | June 30, 1986 |
| Excavation and disabling of sump and associated piping. | July 1, 1986 |
| Backfill depression. | July 7, 1986 |
| Resident representation and review of closure activities. | June 23 - July 7, 1986 |
| Actual closure completely effected. | July 7, 1986 |

King Musical Instruments believes this schedule of activities represents adequate progress towards closure. Barring unforseen work stoppages, weather conditions, etc., this schedule is entirely feasible and obtainable.

SCHEDULE OF COSTS

Listed below are the expected costs for closure of the filter beds at KMI.

| Item | | Cost |
|---|-------------------------------|----------|
| Removal of fencing | 130 lineal feet at \$1.50/1f | \$ 195 |
| Excavation of concrete walls and waste material | 300 cubic yards at \$12.00/cy | \$ 3,600 |
| Sandblasting of walls | 600 square feet at \$0.75/sf | \$ 450 |
| Demolishing walls | 600 square feet at \$8.75/sf | \$ 5,250 |
| Removal of waste material to landfill | 275 cubic yards at \$10.00/cy | \$ 2,750 |
| Disposal of waste material in landfill | 275 cubic yards at \$3.25/cy | \$ 895 |
| Granular backfill of sump | 2 cubic yards at \$25.00/cy | \$ 50 |
| Removal of piping | Lump Sum | \$ 200 |
| Soil backfill | 240 cubic yards at \$10.00/cy | \$ 2,400 |
| Seeding | Lump Sum | \$ 100 |
| Review of Closure by P.E. | Lump Sum | \$ 800 |
| ; | Subtotal | \$16,690 |
| ; | Add 5% Contingency | 835 |
| | Total Estimated Cost | \$17,525 |

REVIEW AND CERTIFICATION OF CLOSURE ACTIVITIES BY PROFESSIONAL ENGINEER

An independent registered Professional Engineer (P.E.) licensed in the State of Ohio will review closure activities. A statement by the P.E. certifying that closure was carried out according to the Closure Plan will be forwarded to OEPA upon completion of the project.

POST CLOSURE CARE

Post closure activities will consist of annual water sampling at the two monitoring wells. These samples will be analyzed for the metals listed earlier under "Description of Sampling and Analytical Work."

WELL LOG DATA SHEETS FOR MONITORING WELLS



AQUATECE ENVIRONMENTAL CONSULTANTS, INC.

GROUND-WATER MONITORING FIELD DATA LOGSHEET

| Job No: 8421-02 | Well ID: <u>0</u> 3 <u>U P</u> | |
|---|--|--|
| Date: 17 DEC85. | <u> </u> | WELL CASING |
| DEPTH TO WATER FROM TOP OF CASING: LENGTH OF CASING ABOVE GROUND SURFACE: DEPTH TO WATER FROM GROUND SURFACE: OVERALL WELL DEPTH: VATER HEIGHT: VATER VOL: TIME OF MEASUREMENT: METHOD OF MEASUREMENT: PUMPING/SAMPLING METHOD: AMOUNT OF WATER PUMPED PRIOR TO SAMPLING: F TIME ALLOWED FOR WELL TO RECHARGE BEFOR | A14 _ 6 FT | GROUND GROUND GROUND GROUND GROUND GROUND |
| DEPTH TO WATER PRIOR TO SAMPLING: (FROM TOP OF CASING) (MOUNT OF SAMPLE COLLECTED (LIST CONTAINERS FILLED): 1 2.5 L bottle for PH, Centrity, netals, To | A2 1 1 2 FT FIELD MEASUREMENTS (IF PERFORM | ED): — 4 REPLICATE pH — MEASUREMENTS IF — A HAZARDOUS — WASTE SITE |
| OTES CONCERNING CONDITION OF WELL, ODOR AN SAMPLING PROCEDURES, AND OTHER OBSERVATIONS Water had late of Sue Solids | C. COMP | |
| AMPLE COLLECTOR'S NAME: Math Knecht DRK AREA MEASUREMENTS (IF PERFORMED): PH METER TYPE AND MODEL: FILTERING METHOD TIME WHEN FILTERING AND PRESERVATION IS COMMOTES CONCERNING USE OF ANY SPECIAL PROCEDU | °C°F pH: | — 4 REPLICATE pH — MEASUREMENTS IF — A HAZARDOUS — WASTE SITE OCEDURES: |
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Orm ATEC-51 9.27.84



AQUATECE. ENVIRONMENTAL CONSULVANTS,INC.

GROUND-WATER MONITORING FIELD DATA LOGSHEET

| Job No: 8421-02 | Well ID: oq N | |
|---|---|--|
| Date: 17 PEC 85 day month year | | WELL CASING |
| DEPTH TO WATER FROM TOP OF CASING: LENGTH OF CASING ABOVE GROUND SURFACE: DEPTH TO WATER FROM GROUND SURFACE: OVERALL WELL DEPTH: WATER HEIGHT: WATER VOL: TIME OF MEASUREMENT: METHOD OF MEASUREMENT: INSIDE DIAMETER OF CASING: PUMPING/SAMPLING METHOD: AMOUNT OF WATER PUMPED PRIOR TO SAMPLING | | CKOGND WATER LEVEL |
| IF TIME ALLOWED FOR WELL TO RECHARGE BE TIME OF SAMPLING: | efore sampling: | • |
| DEPTH TO WATER PRIOR TO SAMPLING: (FROM TOP OF CASING) WHOUNT OF SAMPLE COLLECTED (LIST CONTAINERS FILLED): Z.S L Bottle for pH, Toc, metals analysis | A2 1 3 FT FIELD MEASUREMENTS (IF PERFORMED): | 4 REPLICATE pH MEASUREMENTS IF A HAZARDOUS MASTE SITE |
| TAMPLE COLLECTOR'S NAME: Math K. | 9.5 9.5 | |
| ORK AREA MEASUREMENTS (IF PERFORMED): ph meter type and model: filtering method | P | REPLICATE pH EASUREMENTS IF HAZARDOUS ASTE SITE |
| TIME WHEN FILTERING AND PRESERVATION IS "OTES CONCERNING USE OF ANY SPECIAL PRO | COMPLETED: HRS CEDURES OR DEVIATIONS FROM SPECIFIED PROCEDU | RES: |
| | | |

Form ATEC-51 9.27.84

APPENDIX B

CHAIN OF CUSTODY RECORDS

FOR

SOIL AND WATER SAMPLES



AQUA TEC ENVIRONMENTAL CONSULTANTS, INC. P.O. Box 76, Melmore, Ohio 44845 419-397-3659 or 419 397 2222

P.O. Box 436, 181 S. Main Street Marion, OH 43302 614-382-5991

Chain of Custody Record

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AQUA TECH ENVIRONMENTAL CONSULTANTS, INC. P.O. Bo> >, Melmore, Unio 44845 419-397-3659 or 419-397-2222

P.O. Box 436, 181 S. Main Street Marion, OH 43302 614-382-5991

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Distribution: Orig. - Accompany Shipment 1 Copy - Field Custodian or Field Sampling Files

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| Station | - | | | Log | Elevation |
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| #1 | 0.5 | | 0.5' 5.67' 8.0' | Topsoil and Humus Gray/Brown Clay Gray Shale | s 636 ' |
| #2 | 0.5 | _ | 0.5' 6.0' 14.5' | Topsoil and Humus Gray/Brown Clay Gray Shale | 636† |
| #3 (Upgradient Monitoring Well) | | _ | 0.4 [†] 6.3 [†] 15.0 [†] | Topsoil and Humus Brown/Gray Clay Gray Shale | 6361 |
| #4 | 0. 0.5 5.5 | _ | 0.5' 5.5' 8.0' | Topsoil and Humus Gray/Brown Clay Gray Shale | 6361 |
| #5 (South Filter Bed) | | | 2.5' 3.2' 5.9' 8.0' | Brown Sand Gravel Brown Clay Gray Shale | 633' |
| #6 (North Filter Bed) | 0. 1.8 3.0 4.5 6.0 | - | 4.5' 6.0' | Brown Sand Gravel Sand and Gravel Brown Clay Gray Shale | 633' |
| #7 | | - | 0.4' 4.1' 8.0' | Topsoil and Humus Brown/Gray Clay Gray Shale | 631' |
| #8 | | _ | 0.6' 5.9' 8.0' | Topsoil and Humus Brown/Gray Clay Gray Shale | 633† |
| #9 (Downgradient Monitoring Well) | 0. 0.8 5.5 | _ | 0.8' 5.5' 15.0' | Topsoil and Humus Brown/Gray Clay Gray Shale | 632 |

Station

FBA - KING MUSICAL WATER SAMPLES

| Lab No. Identification Date Sampled Time Sampled | 6512-85 Station 3 12/17/85 13:00 | 6513-85 Station 9 12/17/85 15:00 |
|---|--|--|
| pH, S.U. Conductivity, umho T. Organic Carbon, mg/l T. Organic Halogen, ug/l T. Cyanide, mg/l Cadmium, ug/l Chromium, ug/l Copper, ug/l Lead, ug/l Nickel, ug/l Silver, ug/l Zinc, ug/l | 5.8 2700 9.0 29 <0.01 <1 12 12 <6 360 4 220 | 7.5 2200 6.8 14 <0.01 <1 <10 16 <6 32 <4 |

Note: Metals, Cyanide and TOC determined on filtered samples.

FBA - KING MUSICAL COMPOSITE SOIL SAMPLES

| Lab No. | 6555-85 | 6556-85 | 6557-85 | 6558-85 |
|--|--|-----------------------------------|--------------------------------|---|
| Identification | #12 | #13 | #14 | #15 |
| Cadmium, mg/kg | 0.38 | 0.26 | 0.34 | 0.34 |
| Chromium, mg/kg | 6 | 7 | 7 | 7 |
| Copper, mg/kg | 13 | 16 | 14 | 20 |
| Lead, mg/kg | 8 | 4 | 7 | 6.5 |
| Nickel, mg/kg | 20 | 19 | . 24 | 34 |
| Silver, mg/kg | 0.19 | <0.26 | 0.17 | 0.34 |
| Zinc, mg/kg | 67 | 55 | 51 | 63 |
| Cyanide, mg/kg | 0.2 | 0.2 | 0.2 | 0.2 |
| | | | - | |
| | | | _ | |
| | 6559-85 | 6560-85 | 6561-85 | 6562-85 |
| Lab No. Identification | 6559-85 #16 | 6560-85 #17 | 6561-85 #18 | 6562-85 #19 |
| Identification | | #17 | #18 | #19 |
| Identification Cadmium, mg/kg | #16 | | | |
| Identification | #16 | #17 | #18 0.38 | 0.40 |
| Identification Cadmium, mg/kg Chromium, mg/kg | #16 1.1 6 | #17 3 7 | #18 0.38 11 | #19 0.40 8 21 |
| Cadmium, mg/kg Chromium, mg/kg Copper, mg/kg | #16 1.1 6 1360 | #17 3 7 330 | #18 0.38 11 23 | #19 0.40 8 |
| Identification Cadmium, mg/kg Chromium, mg/kg Copper, mg/kg Lead, mg/kg Nickel, mg/kg Silver, mg/kg | #16 1.1 6 1360 80 | #17 3 7 330 24 | #18 0.38 11 23 6 | #19 0.40 8 21 4.7 |
| Identification Cadmium, mg/kg Chromium, mg/kg Copper, mg/kg Lead, mg/kg Nickel, mg/kg Silver, mg/kg Zinc, mg/kg | #16 1.1 6 1360 80 1350 | #17 3 7 330 24 140 | #18 0.38 11 23 6 30 | #19 0.40 8 21 4.7 32 |
| Identification Cadmium, mg/kg Chromium, mg/kg Copper, mg/kg Lead, mg/kg Nickel, mg/kg Silver, mg/kg | #16 1.1 6 1360 80 1350 8 | #17 3 7 330 24 140 9 | #18 0.38 11 23 6 30 0.38 | #19 0.40 8 21 4.7 32 0.18 |

AQUA TECH

ENVIRONMENTAL CONSULTANTS, INC.

| мемо то | M. Knecht | Date1/21/86 |
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| SUBJECT | King Musical | |
| | | , |
| FROM | J.A. Smith (AS | Job No. <u>F0003</u> |

As you requested, a composite soil sample has been prepared from the soil samples from King Musical submitted to the laboratory on 12/18/85. The composite was composed of equal amounts (by weight) of samples labeled as 5A, 6A, 5C, and 5B. Following are the results of EP Toxicity testing performed on this sample:

| Lab No. | 107-86 |
|--|---|
| Arsenic, mg/l Barium, mg/l Cadmium, mg/l Chromium, mg/l Lead, mg/l Mercury, mg/l Selenium, mg/l Silver, mg/l | <0.004 <1.0 <0.01 <0.10 0.20 <0.003 <0.006 0.35 |
| | |



State Of Ohio Environmental Protection Agency

Ethibit I



Northeast District Office 2110 E. Aurora Road; Twinsburg, Ohio 44087-1969

(216) 425-9171

. celeste, Governor

May 14, 1986

RE: KING MUS __ INSTRUMENTS LAKE COUNTY OHD 004-153-854

Mr. Jack Haynes King Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094

Dear Mr. Haynes:

This letter is intended to provide comments on the Closure Plan submitted for the King Musical Instruments facility in Eastlake, Ohio. The plan was reviewed for compliance with the State and Federal Closure Rules (OAC 3745-66-11 through 15 and 40 CFR 265 Subpart G.

The following comments relate to both closure and groundwater monitoring:

- 1. The general description section should specifically describe the type of waste (wastewater treatment sludges from electroplating operations) and the EPA waste code (F-006);
- 2. Piping should be decontaminated. Method of decontamination should be described as well as the ultimate disposal choice;
- Sand residue from the sandblasting of the concrete should be disposed off-site;
- 4. The sump should also be decontaminated. The method of decontaminated should be specified in the closure plan;
- 5. Decontaminated piping, sump and concrete sidewalls/foundation should be swab sampled to verify the success of the decontamination effort. The closure plan should state the parameters and level at which decontamination will be considered complete;
- 6. The ability to meet the closure performance standard (OAC 3745-66-11 and 40 CFR 265.111) should be addressed in the closure plan;
- 7. The plan should indicate the hazardous waste status of the facility after closure is complete (i.e. generator only);
- 8. The plan should specify the key closure activities for which the certified P.E. will be present;
- 9. Regarding soil sampling, provisions to resample after the 6 foot soil removal should be included in the plan. The plan should again specify the depth (minimum 6"), location, and parameters. We recommend that at least 2 samples be taken in <u>each</u> filter bed. If desired, the 2 samples may be composited into one for <u>each</u> filter bed. This technique

King Musical Instruments May 14, 1986 Page 2

will allow each bed to be evaluated individually in the event that additional removal is necessary. The closure plan should clearly state that removal will occur until sampling proves background has been reached;

It is unclear which criteria will be used for determining when soil decontamination has been completed. Both the "comparison to background" and "comparison to Ohio Farm soils" are included in the plan. If the "comparison to Ohio farm soils" technique is used, all metals must be examined and compared. The Closure Plan only addresses Cd, Cr and Pb;

Soil sampling containers appear questionable (plastic cups). Approved sampling equipment must be used (i.e. glass jar/teflon lid);

10. Regarding the groundwater monitoring system, a minimum of three down-gradient wells are required under hazardous waste regulation. At a minimum, the interim status monitoring parameters should be run on the up and downgradients. Since our records indicate that III trichloroethane and trichloroethylene has been used at the facility, we also recommend that these organics be included in the groundwater parameter list to verify that waste organics were never placed in the filter beds. These parameters should be run on a quarterly basis for at least one year.

Please add the following information to the sampling plan for the ground-water monitoring - a complete description of the sample containers, bailer decontamination technique, preservatives, and evidence of the laboratory's QA/QC program.

In a properly developed well, groundwater samples should not be filtered prior to testing. If solids are a problem in the wells, the wells should be redeveloped. If redeveloping and/or a different sampling device does not eliminate turbidity, the filtering technique should be explained.

Please respond to these comments within 30 days of receipt of this letter. Please call me at (216) 425-9171 if there are questions.

Yours truly

Christine Mikoy Frazier

Environmental Scientist

Division of Solid and Hazardous Waste

Management

CMF/sp

cc: Tony Sasson, OEPA - Tech. Services
 Steve Clough, U.S. EPA - Enforcement
 George Hamper, U.S. EPA - Permits Chief

Addendum to: Clo

Closure Plan

Hazardous Waste Surface Impoundments (Filter Beds)

King Musical Instruments, Inc.

ODH004153854

Amendment to Closure Plan

Item 1: (Please see page No. 1 of Closure Plan)
King Musical Instruments (KMI) generates an F006 wastewater treatment sludge as a result of its metal
finishing and electroplating wastewater treatment system.

Item 2: All exterior piping which originally delivered wastewater or sludge to the filter beds will be disassembled, steam rinsed, and removed with soil material to a sanitary landfill for disposal. The wastewater return line will be removed, steam rinsed, and disposed in a similar fashion. All piping described above is constructed of PVC, so steam rinsing should sufficiently remove any residual sludge in the pipe.

All water generated from steam rinsing of exterior piping will be collected on a plastic liner and treated by KMI's wastewater treatment system.

Interior piping associated with sludge removal from the clarifier will not be removed, since this piping is essential to the wastewater treatment system. The internal piping associated with the wastewater return line from the filter beds is equipped with a valve that will be sealed in the closed position to prevent any incidental leakage to the interior of the plant.

- Item 3: Sand used during sandblasting will be collected on a plastic liner and removed with soil material to a sanitary landfill for disposal.
- Item 4: The sump beneath the filter beds will be removed during excavation, steam rinsed over a plastic liner, and removed with soil material to a sanitary landfill for disposal. Water generated during rinsing the sump will be collected and treated by KMI's wastewater treatment system.
- Item 5: As stated above, the sump and exterior piping will be diassembled, steam rinsed, and removed for disposal.

Sandblasted concrete sidewalls will be swab sampled to evaluate the effectiveness of decontamination efforts. Swab sampling procedure will be as follows:

Following sandblasting, one representative swab sample will be collected for every 15,000 square inches (sq in) (a total of 6 samples). Sterile swab samplers will be stored prior to use in vials containing nitric acid. Swabs will be applied to a 1.0 sq in area of sandblasted wall. Following application, swabs will be returned to the vial containing nitric acid and transported to an Environmental Protection Agency (EPA) approved laboratory.

Swab samples will be analyzed for total concentration of cadmium, copper, lead, nickel, silver, and zinc. These metals occur in significantly higher concentrations in the filter beds than background soils (compare Table Nos. 2 and 3 in the Closure Plan). Concentrations at which decontamination will be considered complete are:

| Cadmium | <2.9 mg/l |
|---------|-------------|
| Copper | <37.0 mg/l |
| Lead | <39.0 mg/l |
| Nickel | <38.0 mg/l |
| Silver | <0.4 mg/l |
| Zinc | <138.0 mg/l |

These "clean" levels for cadmium, copper, lead, nickel, and zinc were determined using the comparison to Ohio farm soils alternative. The "clean" level for silver was determined by calculating two standard deviations from the mean background concentrations, since silver is not addressed in the Ohio farm soils report (complete reference on page 12 of the Closure Plan). Chromium will not be analyzed, since chromium levels in the filter beds are equal to background concentrations.

- Item 6: KMI intends to conscientiously close the filter beds in a manner that minimizes the need for further maintenance and controls, minimizes or eliminates (to the extent necessary to protect human health and the environment) post-closure escape of contaminants to groundwater, surface waters or the atmosphere.
- Item 7: Following closure of the filter beds, KMI will revert to generator status. There is no intent to store any hazardous waste for a period exceeding 90 days at any point in the future.
- Item 8: An independent professional engineer (P.E.) registered in the State of Ohio will be present for initial ex-

cavation, initial loadings, final loadings, and back-filling. All sampling will be conducted under the supervision of the P.E.

Following the removal of all material beneath the filter beds above bedrock (a depth of 6 feet (ft)), 2 samples will be collected from the shale beneath each filter bed (a total of 4 samples). Samples will be collected with a hand auger to a depth of 12 inches, if possible, or a minimum of 6 inches. Shale samples from the 0-6 inch interval and 6-12 inch interval will be stored in approved containers (glass containers with teflon lids) and transported to an EPA-approved laboratory. The 2 samples from the 0-6 inch interval from each filter bed will be composited into 1 sample and analyzed for total concentration of cadmium, chromium, copper, lead, nickel, silver, and zinc. Bedrock will be considered "clean" if metals concentrations are less than:

| 2.9 | mg/kg | Art. |
|-------|---------------------------------------|---|
| 37.0 | mg/kg | |
| 23.0 | mg/kg | |
| 38.0 | mg/kg | |
| 39.0 | mg/kg | |
| 138.0 | mg/kg | |
| 0.4 | mg/kg | |
| | 37.0 23.0 38.0 39.0 138.0 | 2.9 mg/kg 37.0 mg/kg 23.0 mg/kg 38.0 mg/kg 39.0 mg/kg 138.0 mg/kg 0.4 mg/kg |

These "clean" levels for cadmium, copper, chromium, nickel, lead, and zinc were determined using the Ohio farm soils alternative. The "clean" level for silver was determined by calculating two standard deviations from the mean background concentration, since silver is not addressed in the Ohio farm soils report (complete reference on page 12 of the Closure Plan).

In the event a sample from the 0-6 inch interval fails to meet the described performance standard, a composited 6-12 inch interval sample from the same area will be analyzed to determine the depth of contamination in bedrock. Any bedrock areas which do not meet the performance standard will be excavated and removed with soil material to a sanitary landfill for disposal.

Item 10: Two additional downgradient monitoring wells will be installed prior to final closure. These wells will be completed in similar fashion to the two wells already in place (see pages 5 and 6 of the Closure Plan).

The two wells already in place have been redeveloped. Following development of the two additional wells, the

four wells will be sampled quarterly for one year and the samples analyzed for:

pH*
Conductivity*
Total Organic Carbon (TOC)
Total Organic Halogen (TOX)
Cadmium
Copper
Chromium
Lead
Nickel
Silver
Zinc
1,1,1-trichloroethane
Trichloroethylene

*Quadruplicate analyses on each sample.

There is little additional information to be gained from analyzing water samples for interim status groundwater monitoring parameters. Metals analyses will yield more valuable information as to contaminant migration, since a metal hydroxide sludge is the solid waste in the filter beds. It is hoped OEPA sees the logic behind this decision, which does not intend to "sidestep" regulations, but provides the most pertinent information in a cost-effective manner.

Sample containers and preservatives used during sample acquisition and transport will be as follows:

| Parameter | Container | Preservative | Refrig- eration |
|---------------------|--|---------------|--------------------|
| pH, Conductivity | (4) 4-oz plastic cubitainers for replicate analyses | None | Yes |
| TOC | 4-oz plastic cubitainer | Sulfuric Acid | Yes |
| Metals | 1-qt cubitainer | Nitric Acid | No |

| Parameter | Container | Preservative | Refrig- eration |
|--------------------------------|---|--------------|--------------------|
| Trichloroethylene, TOX, 1,1,1- | Filled 4-oz glass with telfon lid | None | Yes |

All future groundwater samples will be collected with a stainless steel, ISCO bladder pump. The pump will be decontaminated between wells by placing it in a 5gallon (gal) Nalgene container filled with solution and allowing it to pump this solution through the pump and tubing. Once the soap solution has circulated through the system, the pump will be placed in a second 5-gal Nalgene container filled with deionized The pump will be activated, and the system water. rinsed with the deionized water. After complete rinsing, the entire process is repeated a second time to effect complete decontamination. The exterior of the pump will be rinsed liberally with soap solution and deionized water between wells.

trichloroethane

As stated in the Closure Plan, sand and soil beneath the filter beds will be removed and disposed in the Lake County Land Improvement Landfill, pending approval. An Extraction Procedure (EP) Toxicity for this material is given on page No. 10 of the Closure Plan.

The top ft of sand in the filter beds may contain some minor quantities of incidental F006 sludge. Therefore, this 1 ft layer will be excavated, removed, and disposed in Fondessy Enterprises, Inc. No. 1 landfill in Lucas County, Ohio. An EP Toxicity for this material will be forwarded with the soild waste disposal questionnaire, required for OEPA approval. The estimated total volume of sand which may contain incidental sludge is 23 cubic yards (cu yd), or approximately 30 tons.

A copy of the laboratory's QA/QC program is enclosed.

Attachment 1 is a revised cost estimate for closure.

Attachment 2 is a revised schedule for closure.

ATTACHMENT 1

REVISED COST ESTIMATE FOR CLOSURE* (See Page No. 16 in Closure Plan)

| <u> Item</u> | | Cost |
|--|--|-----------|
| Removal of Fencing | 130 lin ft at \$2.00/lin ft | \$ 260.00 |
| Excavation of Concrete Walls and Waste Material | 350 cu yd at \$12.00/cu yd | 4,200.00 |
| Sandblasting of Concrete Walls | 600 sq ft at \$0.75/sq ft | 450.00 |
| Demolishing Walls and Sump | 624 sq ft at \$8.75/sq ft | 5,460.00 |
| Removal of Top 1 Ft of Sand to a Secure Hazardous Waste Landfill | 30 tons at \$25.00/ton | 750.00 |
| Disposal of Top 1 Ft of Sand in a Secure Hazardous Waste Landfill | 30 tons at \$125.00/ton | 3,750.00 |
| Removal of Soil, Sump, and Piping to a Sanitary Landfill | 290 cu yd at \$10.00/cu yd | 2,900.00 |
| Disposal of Soil, Sump, and Piping in a Sanitary Landfill | - 395 tons at \$5.00/ton | 1,975.00 |
| Removal of Underdrain Piping | Lump Sum | 200.00 |
| Removal of Exterior Piping | Lump Sum | 200.00 |
| Rental of Steam Cleaner for Steam Decontamination | `````````````````````````````````````` | |
| | Lump Sum | 250.00 |
| Soil Backfill | 270 cu yd at \$10.00/cu yd | 2,700.00 |
| Seeding | Lump Sum | 100.00 |

| <u>Item</u> | | Cost |
|--|---------------------|-------------|
| Sampling of Concrete Walls and Bedrock to Evaluate Decontamination Effort | Lump Sum | 670.00 |
| Analyses of 6 Swab Samples and 2 Composite Bedrock Samples | | 638.00 |
| Installation of 2 Additional 2-inch Diameter PVC Monitoring Wells | Lump Sum | 1,200.00 |
| Engineering and Coordination | | 2,400.00 |
| Certification of Closure by P.E. | | 800.00 |
| Quarterly Sampling of 4 Wells for 1 Year | \$336/event | 1,344.00 |
| Quarterly Analytical .Work for 4 Water Samples | \$1,166/event | 4,664.00 |
| • | Subtotal | \$34,911.00 |
| | Add 10% Contingency | 3,489.00 |
| | Total _ | \$38,400.00 |

^{*}Estimated costs could increase dramatically if $\underline{\text{all}}$ waste material is deemed "hazardous" and must be transported to a secure hazardous waste disposal facility.

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ATTACHMENT 2

REVISED SCHEDULE FOR CLOSURE*

| <u>Item</u> | <u>Date</u> |
|--|-----------------------|
| Filter Beds Abandoned as a Polishing Filter | November 15, 1985 |
| Secure Approval for Disposal of Waste Material at a Sanitary Landfill | July 15, 1986 |
| Install and Develop Additional Monitoring Wells | August 1, 1986 |
| Obtain OEPA Approval of Closure Plan | August 15, 1986 |
| Select Contractors for Closure Activities | September 1, 1986 |
| Mobilize Excavating Equipment and Manpower | September 15, 1986 |
| Remove Fencing, Excavate Concrete Wall, Sandblast Concrete Wall, Swab Sample Concrete Wall, and Break Up of Concrete Wall | September 15-19, 1986 |
| Begin Transport Vehicle Loading and Make Shipments of Waste Material to Sanitary Landfill | September 22-26, 1986 |
| Excavation and Decontamination of Sump and Exterior Piping | September 23, 1986 |
| Sample Bedrock | September 26, 1986 |
| Backfill Depression | September 30, 1986 |
| Resident Representation and Review of Closure Activities | September 15-30, 1986 |
| Actual Closure Completely Effected | October 3, 1986 |

*Schedule contingent upon a 60-day review period by OEPA of response to comments.



ate Of Ohio Environmental Protection Agency

90. Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049



Richard F. Celeste, Governor

CERTIFIED MAIL

August 26, 1986

Re: CLOSURE PLAN, KING MUSICAL

INSTRUMENTS, INC. OHDOO4153854

0100041330

Edward H. Chesko Corporate Director of Engineering King Musical Instruments, Inc. 33999 Curtis Boulevard Eastlake, Ohio 44094

Mr. Chesko:

On January 23, 1986, King Musical Instruments submitted to Ohio EPA a closure plan for two hazardous waste surface impoundments located at 33999 Curtis Boulevard, Eastlake, Ohio. Revisions to the closure plan were received on June 12, 1986, and June 13, 1986. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that King Musical Instruments' proposal for closure complies with the requirements of OAC Rules 3745-66-11 and 3745-66-12.

The public was given the opportunity to submit written comments regarding the closure plan of King Musical Instruments in accordance with OAC Rule 3745-66-12. No comments were received by Ohio EPA in this matter.

Based upon review of the company's submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at King Musical Instruments meets the performance standard contained in OAC Rule 3745-66-11 and complies with the pertinent parts of OAC Rule 3745-66-12.

The closure plan submitted to Ohio EPA by King Musical Instruments is hereby approved.

Please be advised that approval of this closure plan does not release King Musical Instruments from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984 regarding corrective action for all releases of hazardous waste or constituents from any solid waste management unit, regardless of the time at which waste was placed in the unit.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: (11501 0000 Date 8/26/36

Chirago Chirago (1997)

AUG 26 1986

Mr. Chesko Page Two August 26, 1986

Due to the fact that the Ohio EPA is not currently authorized to conduct the federal hazardous waste program in Ohio, your closure plan also must be reviewed and approved by USEPA. Federal RCRA closure regulations (40 CFR 265.112) require that you submit a closure plan to George Hamper, Chief, Waste Management Division, Technical Programs Section, Ohio Unit, USEPA, Region V, 5HW-13, 230 South Dearborn Street, Chicago, Illinois 60604. Approval by both agencies is necessary prior to commencement of activities required by the approved closure plan.

You are notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Enforcement Section of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address: Environmental Board of Review, 250 East Town Street, Room 101, Columbus, Ohio 43266-0557.

When closure is completed, the Ohio Administrative Code Rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of the Ohio EPA certification by the owner or operator and a registered professional engineer that the facility has been closed in accordance with the approved closure plan. These certifications should be submitted to: Ohio Environmental Protection Agency, Division of Solid and Hazardous Waste Management, Attn: Thomas E. Crepeau, Program Planning and Management Section, P.O. Box 1049, Columbus, Ohio 43216-1049.

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AUG 26 1986

DF/ara

cc: Jim Flautt, DSHWM
George Hamper HSFP

George Hamper, USEPA, Region V Rebecca Strom, USEPA, Region V Christine Frazier, NEDO, Ohio EPA

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- 1. Has the facility submitted a Part A to Ohio? 2. If "yes", 1s 1t complete and accurate?
- 3. Has the facility submitted a Part B?
- 4. Was advance notice of the inspection given? If so, how far in advance?

IF THE SITE HAS RECEIVED A PART B PERMIT, USE THE RCRA STATUS INSPECTION FORM.

REMARKS, GENERAL INFORMATION Include a brief description of site activity and waste handling.

THOWGHT THE IMPOUNDMENTS MET THE DEFINITION OF A "TRNK" KING MUSICAL OPERATED AND PERMITTED SURFACE IMPOUNDMENT WING MUSICAL OPERATE PROLLITY WINTIL NOVEMBER OF 1985. BOTH OHIO EPA AND THE FACILITY UNTIL THAT TIME SINCE NOVEMBER THE FACILITY HAS SUBMITTED AND RECEIVED APPROVAL FOR THE CLOSURE OF THE IMPOUNDMENT FROM FOTH OHIO EPA AND WSEPA.

INSTALLED TO TAKE THE PLACE OF THE IMPOUNDMENT, A' NEW WASTEWATER TREATMENT SYSTEM IS BEING

AN ADDITIONAL COCROSIVE WASTE WAS IDENTIFIED VIA THE INSPECTION A DE-SOLDERING FLUID (DOOZ) IS TEMPORARILY STORED IN DRUMS PRIOR TO BEING BULKED AND SENT OFF-SITE TO A WASTEWATER TREATMENT FACILITY. FACILITY WAS ADVISED TO ABSURE THAT THE INFORMATION DEPROY STORAGE OF THIS REVISED 12/184 WASTE (BOMPLY WITH THE GENERATOR REDULIDEMENTS

Revised 12/04

| | Remark # | THE NEW |
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WASTE SHOULD
BE TESTED FOR

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- in Section 261 and in [(0)11-55-374(D)] The hazardous waste(s) generated at this facility have been compliance with the requirements of Sections 262.11 acknowledged to be hazardous waste(s) as defined i
- Does this facility generate any hazardous wastes that are excluded from regulation under Section 261.4 [3745-51-04] (statutory exclusions) Section 261.6 [3745-51-06(A)(1)] (recycle/reuse)?
- Does this facility have waste or waste treatment equipment that is excluded rom regulation because of totally enclosed treatment (Section 265.1(c)(9)) [3745-65-01] or via operation of an elementary neutralization unit and/or wastewater freatment unit (Section 265.1(c)(10) [3745-65-01] رى .
- generator meets the following requirements with respect to the preparation, use and retention of the hazardous waste manifest;
- [3745-52-21] and the minimum number of copies required by The manifest form used contains all of the information required by Section Section 262.22 [3745-52-22]. 262,21(a)'and (b)
- The generator has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with Section 262.20 [3745-52-20(B)(C)(D)].
 - Prepared manifests have been signed by the generator and initial transporter in compilance with Section 262.23 [3745-52-23(A)(], and 2)]. G
 - requirements 15 days) in Section 262.42(a)(b) The generator has complied with manifest exception reporting (Investigate after 35 days, report after 4 3745-52-42].
- Signed copies of all hazardous waste manifests and any documentation required required by for Exception Reports are retained for at least 3 years as Section 262.40 [3745-52-40]

SHIPING DESCRIPTION SHOULD REGIN WITH THE WOR

ENERATOR - 1

- The generator meets the following hazardous waste pre-transport requirements:
- prior to offering hazardous wastes for transport'off-site the waste material (Section 262.30, 262.31 and 262.32(a)) [3745-52-30, 3745-52-31, 3745-52-32] is packaged, labeled and marked in accord with applicable DOT regulations a)
- prior to offering hazardous wastes for transport off-site each container with or less is affixed with a completed hazardous waste label as required by Section 262,32(b), [3745-52-32]. gallons (416 liters) a capacity of 110 Q
- properly placard the initial transporter of the waste material in compliance The generator meets requirements for properly placarding or offering to with Section 262.33 [3745-52-33]. G
- Nazardous wastes imported from or exported to foreign countries are handled in accordance with the requirements of Section 262.50 [3745-52-50]
- tanks for 90 days or less without a RCRA storage permit as provided under If the generator elects to store hazardous waste on-site in <u>containers</u> or Section 262.34 [3745-52-34], the following requirements with such storage are met:
- The containers are clearly marked with, the words. "Hazardous Waste"
- The date that accumulation began is clearly marked on each container a A
- equipment operation and emergency response procedures, training new employees Instruction in safe The generator has provided a Personnel Training Program in compliance with within 6 months and providing an annual training program refresher course. Section 265.16(a)(b)(c) [3745-65-16(A)(B)(C)] including i (Section 262.34) [3745-52-34(A)(4)]
- The generator keeps all of the records required by Section 265.16(d)(e) [3745-65-16(0)(E)] including written job titles, j employee training records (Section 262.34)

GENERATOR

RCRA INTERIM STATUS INSPECTION FORM

SHORT-TERN STORAGE FOR 90 DAYS OR LESS IN TANKS AND CONTAINERS ALSO REQUIRES THAT REGULATIONS IN SECTION 265 [3745-65], SUBPARTS C AND D (PREPAREDNESS AND PREVENTION PLUS CONTINGENCY AND EMERGENCY) AND CERTAIN PORTIONS OF THE "CONTAINERS" AND "TANKS" RULES DE MET. COMPLETE THE APPROPRIATE SECTIONS OF THE INSPECTION FORM. NOTE

FMARKS GENERATOR REQUIREMENTS

| STATUS INSPECTION FORM SALES | |
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Remark #

VIII ON

Yes

| | Subpart C: Preparedness and Prevention | · · · · · · · · · · · · · · · · · · · | |
|----------------|--|--|------------|
| . Has this | Has there been a fire, explosion or non-planned release of hazardous waste at this facility? (265.31) [3745-65-31] | | 1 |
| If r fact | If required due to actual hazards associated with the waste material, the following equipment: (265.32) $(3745-65-32(A)(B)(C)(D)]$ | | |
| a) | | | : * * |
| p) | Access to telephone, radio or other device for summoning emergines assistance. | | |
| (°) | Portable fire control equipment. | | |
| (p | Water of adequate volume and pressure via hoses(sprinkler) foamers or sprayers. | | |
| . All. | All required safety, fire and communications equipment is tested and maintained as necessary; testing and maintenance are documented. (265.33) [3745-65-33] | | |
| . If r have | If required due to the actual hazards associated with the waste material, personnel have immediate access to an emergency communication device during times when have to help a physically handled. (265.34) [3745-65-34] | | |
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| . If r | If required due to the actual hazards associated with the waste material, the | NO FILL | ING FILLID |
| fact | facility has attempted to make applying the massible hazards and the facility service authorities to familiarize them with the possible hazards and the facility | 200 | |
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RCRA INTERIM STATUS INSPECTION FORM .

Remark

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Subpart D: Contingency and Emergency

| The facility has a written Contingency Plan designed to minimize nazarus 110m | | | |
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| _ | rp | 3745 | |
| + | fire explosions or unplanned releases of hazaludus wastes | [3745-65-52(A)(B)(C)(D)(E)] and contains the Followilly components: | |
| | | | |

- Actions to be taken by personnel in the event of an emergency incident.
- Arrangements or agreements with local or state emergency authorities. <u>^</u>
- Names, addresses and telephone numbers of all persons qualified to act as emergency coordinator. C
- A 11st of all emergency equipment including location, physical description and outline of capabilities. **=**
- If required due to the actual hazards associated with the waste(s) handled, an evacuation plan for facility personnel. (265.51(f)) [3745-65-52(F)] <u>۔</u>
- A copy of the Contingency Plan and any plan revisions is maintained on-site and has [3745-65-53(A)(B)] been submitted to all local and state emergency service authorities that might be (265.53) required to participate in the execution of the plan.
 - The plan is revised in response to facility, equipment and personnel changes or failure of the plan. (265.54) [3745-65-54]
- authority to implement all aspects of the Contingency Plan. (265.56). [3745-65-55] familiar with all aspects of site operation and emergency procedures and has the An emergency coordinator is designated at all times (on-site or on-call) is
- If an emergency situation has occurred, the emergency coordinator has implemented taken all of the actions and made all of the notifications deemed necessary under Sections 265.56(a-j). all or part of the Contingency Plan and has

RCKA INTERIM STATUS INSPECTION FORM

Subpart I: Management of Containers

| | >-I | Yes | 의 | N/A Remark # | ليد. |
|------------|---|-------------|---|--------------------------------------|------------------|
| | | | | - | : |
| | Hazardous wastes are stored in containers which are: | \ | | | • |
| | a) Closed (265.173) [3745-66-73(A)] | > ' | 1 | | |
| | b) In good physical condition (265.171) [3745-66-71] | , \ \ | | | · · |
| | c) Compatible with the wastes stored in them (265.172) [3745-66-72] | | | • | 1 |
| • . | Containers are stored closed except when it is necessary to add or remove wastes. (265.173(a)) [3745-66-73(A)] | Ŋ | • | | · ·. · • 1 |
| <u>.</u> : | Nazardous waste containers are stored, handled and opened in a manner which prevents container rupture or leakage. (265.173(b)) [3745-66-73(B)] | \ \ ! | 1 | 1 | No FLU |
| | The area where containers are stored is inspected for evidence of leaks or corrosion at least weekly and such inspections are documented. (265.174) [3745-66-74] | . | | STORE HREH SHOULD BE INSPECTED | THE ALSO |
| . 🚣 | Containers holding ignitable or Reactive waste(s) are located at least 50 feet (is meters) from the property line and the general requirements for handling such wastes in Section 265.17 (physical separation, signs and safety) are | | | WEEKLY BASIS | 84513 |
| | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | | | | |

Containers holding hazardous wastes are stored separate from other materials which

met (265.176) [3745-66-76]

may interact with the waste in a hazardous manner. (265,177(c))

[3745-66-77(C)]

LAW OFFICES

WEIL, FREIBURG & THOMAS, P.C.

RICHARD B. WEIL JAMES P. FREIBURG MAUREEN M. THOMAS JEFFERY S. TAYLOR DALE R. PETERSEN

SUITE 617 29 SOUTH LA SALLE STREET CHICAGO, ILLINOIS 60603

September 22, 1986

(312) 641-3333 TELEFAX: (312) 332-6375 TELEX: 263665 WFTLAW UR

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Stephen Clough,
RCRA Enforcement Section
U.S. E.P.A.
Region V, Waste Management Division
230 South Dearborn Street
Chicago, IL 60604

Mr. George Hamper, Chief Waste Water Management Division Technical Programs Section Ohio Unit, U.S. E.P.A., Region V, 5HW-13 230 South Dearborn Street Chicago, IL 60604

Mr. Ed Kitchen
Ohio Environmental Protection Agency
Div. of Solid and Hazardous Waste Management
P. O. Box 1049
Columbus, OH 43266-1049

RE: Complaint, Findings of Violation and Compliance Order E.P.A. I.D. No.: OHD 004 153 854

Docket No.: V-W-86-R-75

Our Client: United Musical Instruments USA, Inc. ("UMI") (formerly known as: King Musical Instruments, Inc.)

COLECTED VIEW AND CHANGE WASTE WASTE CHENGE WASTE CHENGE WHAT CHANGE WENT CHAN

Gentlemen:

This office represents UMI, as its general counsel.

In accordance with subparagraph H of the section entitled Compliance Order, appearing on Page 10 of the above-referenced Complaint, we are submitting herewith: (i) Closure Plan for Filter Beds, at UMI's Eastlake, Ohio facilities, as prepared by Floyd Browne Associates, Limited ("FBA") (FBA is UMI's consulting engineer); (ii) Amendment to Closure Plan; and (iii) copy of letter, dated August 26, 1986, signed by Warren W. Tyler, approving the Closure Plan, as amended, on behalf of the Ohio EPA (the "Ohio EPA Approval"). We are submitting the enclosed in accordance with the Ohio EPA Approval, and for the review and approval of the U.S. E.P.A.

As regards the above-described Complaint, we will (i) file our Answer; and (ii) request an informal settlement conference.

Your comments regarding, and approval of, the enclosed will be appreciated.

Thank you for your cooperation in this matter.

Very truly yours,

Dale R. Petersen

DRP:mb encl.

cc: Mr. Thomas Burzycki Mr. John J. Haynes Mr. Edward Chesko Richard B. Weil, Esq. SEP 1 2 1986

#300 710-516

CERTIFIED MAIL RETURN RECEIPT REQUESTED

C.T. Corporation System Registered Agent for King Musical Instruments 815 Superior Avenue N.E. Cleveland, Ohio 44114 y-w- 86 R= 75

Re: Complaint, Findings of Violation and Compliance Order EPA I.D. No.: OHD 004 153 854

Dear Sir:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by King Musical Instruments of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based upon inspections of the facility on February 2, 1983, and June 17, 1983, and information in our files and Ohio Environmental Protection Agency (OEPA) files about the facility located at 33999 Curtis Boulevard, Eastlake, Ohio. The Findings in the Complaint state the reasons for such a determination. In essence, the facility failed to meet particular requirements of RCRA relating to the proper use of manifests, marking of containers, providing personnel training, maintaining a contingency and emergency coordinator, and performing inspections.

Accompanying the Complaint and Compliance Order is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverely Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should also be sent to Mr. Jon Faletto, Office of Regional Counsel (5C-16) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Mr. Stephen Clough, United States Environmental Protection Agency, RCRA Enforcement Section (5HE-12), 230 South Dearborn Street, Chicago, Illinois 60604. Mr. Clough can be reached at (312) 886-4446.

Sincerely,

Basil G. Constantelos, Director Waste Management Division

Enclosure

¥300 710 517 cc: William Price, President King Musical Instruments

Ed Kitchen, Surveillance & Enforcement Section, OEPA

Christine Mikoy Frazier, OEPA-NEDO bcc:

Robert Small, OWPE (WH-527) V

Jon S. Faletto, ORC 5C-16

Denise Reape

Regional Hearing Clerk, 5MF-14

OH Permit Unit, 5HS-13 V

5HE-12JCK: SCLOUGH: fharris: 7/13/86:6-4446

LEL 9/3 sect or charf OTHER IMIT SECT. SECT. HWEB Will TYPIST AUTHOR STAFF CHEF SECY CHIEF CHIEF 50 MIT. WEN 8-26-86 9/28/89

| | S. Clough / Faletto |
|-----------|--|
| PART I. | BACKGROUND 3. Clough / Fale 170 |
| | FACILITY NAME King Musical Instruments |
| | FACILITY LOCATION 33999 Curtis Boulevard, Easthke, OH |
| | RCRA ID NUMBER 0HD 604 153 854 |
| | NATURE OF VIOLATION Failure to apply for permit or |
| | achieve 1.5. for surface impoundment |
| - Er | ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY: |
| | WATER |
| | AIR |
| | OTHER |
| | |
| PART II. | RECOMMENDATION Complaint and Compliance Order with |
| | # 11,750 |
| DADT III | CONCURRENCES ON DOAFT |
| PARI III. | CONCURRENCES ON DRAFT |
| | INITIALS DATE AGREE DISAGREE |
| fo | PREPARER SC 6-10-86 () CHIEF, RCRA ENF. UNIT PRO 6/20/86 () |
| | CHIEF, RCRA ENF. SECTION ASSISTANT REGIONAL COUNSEL |
| | JON S. FALETTO JSE 8-15-86 (V) CONTROLIONS) |
| | NAME & DATE OF STATE CONTACT NOTIFIED Chris Frazier, OEPA |
| | 8-27-86 |
| PART IV. | APPROVAL |
| IAKI II. | |
| | 1. PREPARER 2. CHIEF, RCRA ENF. UNIT 3. CHIEF, RCRA ENF. SECTION WEN 8-28-86 () () () |
| | 4. CHIEF, H.W. ENF. BRANCH (C) () |
| | |
| - | 6. CHIEF, S.W. & E.R. SECTION 7. CHIEF, SOLID WASTE & EMER. |
| | RESPONSE BRANCH w 9/1/fu (-) () |
| | 8. REGIONAL COUNSEL () () |

9. DIRECTOR, WASTE MGT. DIV.

NOTE: Attach sign-off sheet to yellow copy of the enforcement action.

| Name of Preparer: Robert Swale Date: 6/13/86 | |
|---|-----------------|
| Date: 6/13/86 | |
| | |
| Madal Franklika Managaman Dlan | |
| Model Facility Management Plan | |
| 1. Facility Name: King Musical Instruments | |
| 2. Facility I.D. Number: 0HD 964 153 B54 | |
| 3. Owner and/or Operator: Jack Haynes | |
| 4. Facility Location: 33999 Cu-tis Blud. Street Address | |
| Eastlake OH City County State | 44094 |
| City County State | Zip Code |
| <pre>5. Facility Telephone (if available): ()</pre> | |
| 3. Facility relephone (1) available) | |
| 6. Recommendation for Regional Approach to the Facility: | Check one |
| Site Investigation | |
| Remit Compliance Schedule | |
| Corrective Action Order (may include compliance sch | (afuhar |
| · | ledu i e j |
| Other Administrative Enforcement | * * * |
| Federal Judicial Enforcement | |
| Referral to CERCLA for Federally Financed or Enforce | tement Activity |
| Voluntary/Negotiated Action | |
| X State Action RFA. | |
| Brief narrative in explanation of selection: State and | Federal |
| actions along with a closure plan Compli | ence |
| schedule will adequately document impact of this facility. | t the |
| impact of this facility. | |
| | |

| ε) | If site | investigation alternative is selected: |
|------------|------------------|--|
| | | anticipated inspection date |
| | | State or Federal inspection |
| £) | clos If Reput | t Alternative is Selected: Projected Schedule |
| | Thate of | Part & Submission: |
| | Date of | Completeness Check: |
| | Date for | Additional Submissions (if required): |
| | Date of | Completion of Technical Review: |
| | Complet | ion of Draft Permit/Permit Denial: |
| ٠ | Public | Notice for Permit Decision: |
| | Date of | Hearing (if appropriate): |
| | Date of | Final Permit or Denial Issuance: |
| | | tion of any corrective action provisions to be included in permit - Flan of Study of Remedial investigation: |
| | 2. | Remedial Investigation Report/Corrective Action Plan Cost |
| | • | Estimate/Financial Mechanism: |
| | 3. | Completion of Corrective Action: |
| c) | | rective Action Order Alternative is Selected: |

| | Des | cription of Provisions of the Order to be Completed by Facility: |
|-----|-----|--|
| | Des | cription of Compliance Schedule to be Contained in Order: |
| | | |
| d) | If | Other Administrative Enforcement Action is Selected: |
| | | Projected Date for Issuance of the Order: |
| | | Description of Provisions or Goals of the Order: |
| | • | |
| e) | If | Judicial Enforcement Alternative Selected: |
| | | Date of Referral to Office of Regional Counsel: |
| f) | 1f | Referral to CERCLA for Action Selected: |
| | | Date of Referral to CERCLA Sections: |
| g) | If | Voluntary/Negotiated Action Alternative if Selected: |
| | | Date of Initial Contact with Facility: |
| | | Description of Goals of Contact or Discussions with Facility: |
| • | | |
| | | |
| | | |
| | | Date for Termination of Discussions if Not Successful: |

.

| Date of Finalization of Settlement if Negotiation Successful: |
|--|
| |
| h) If State Action Alternative is Selected: |
| Date for Referral to State: |
| Name of State Contact: |
| Phone: |
| 7. EPA Concurrence (to be completed by Region V, TPS staff) |
| (Check one) |
| A corrective action order (or other enforcement action) was recommended, and HEEB concurs. |
| No enforcement action was recommended, and HEEB did not object. |
| Enforcement action was recommended, but HEEB did not concur at this time; we have revised the FMP accordingly. |
| (Check one) |
| Action involving ERRB was recommended, and ERRB concurs. |
| No ERRB action was recommended, and ERRB did not object. |
| Action involving ERRB was recommended, that ERRB did not concur; we have revised the FMP accordingly. |
| |
| (Check one) |
| Based on our review, the FMP is hereby approved as drafted by the State |
| Based on our review, the FMP is hereby approved as amended. |
| |
| |
| Signature Date: |
| (FPA Staff) |

| Facility | name: | Kin | 1 | Musica | 1 Inst | -unents |
|-----------|--------|------|-----------|--------|--------|---------|
| EPA ID # | OHD | 004 | 753 | 854 | | |
| Name of F | repare | r: | P. | Swale | | |
| Date: | 6/ | 13/6 | <u>'4</u> | | | |

Others (Specify)

Preliminary Assesment Report

The questions constituting this Preliminary Assesment (P.A.) Report must be filled out prior to completion of recommendation elements of the Plan. The purpose of this P.A. is to provide a summary documentation of the State and/or, U.S. EPA review of available information on the subject facility. The intent is that a comprehensive file review will be conducted as the basis for selection of the recommended approach to a given facility. If the P.A. is completed by State personnel, questions referring to available data reference information in State files; for Federal personnel the reference is to Federal files. Where questions refer to "all" available data or information and such material is columinous, the response should indicate that files are voluminous, and then reference most telling information, for example, groundwater containinants found frequently or at extremely high concentrations should be specifically listed, and information most directly supporting recommended approach to facility should be described. If no information is available in facility files, the response should so indicate. It is also anticipated that this P.A. may be updated periodically as more information becomes available.

1. Interim Status and/or Permitted Hazardous Waste Units and
Capacities of Each Unit:

Size or Capacity

Active or Closed

Type of Units

Storage in Tanks or Containers

Containers

Incinerator

Landfill

Surface Impoundment

Waste Pile

Land Treatment

Injection Wells

| 2. Permit Application | Status: |
|--|--|
| | completeness review underway |
| x/ A | technical review underway |
| N.A. | complete and technically adequate |
| | draft permit public noticed |
| | final permit issued |
| 3. Sources of data us | ed in developing this document: |
| | RCRA Part A & B permit application |
| | Certification Regarding Potential Releases Solid Waste Management Units |
| | Interim Status inspection Reports/Information from Letters of Warning and Compliance Orders |
| | Exposure Information Report |
| | Other RCRA submittals: ACL submissions, closure plans, post-closure permit applications, etc |
| ·. | CERCLA PA/SI Reports |
| | CERCLA Hazard Ranking System (HRS) Information |
| A CONTROL OF THE PROPERTY OF T | TT CERCLA RI/FS Studies |
| The second secon | CERCLA 103(c) Notifications (check this even if the absence of a notification was verified) |
| <u></u> | Aerial Photography |
| | USGS data: maps, geological atlas, monitoring well data |
| • | USDA Soil Conservation Service maps/data |
| • | Graphic Exposure Modelling System |
| • | State Hazardous Waste Management Permit files/ inspection reports |
| | State Wastewater Treatment Discharge Permit files/inspection reports |

| | 6 |
|------|---|
| | T State Air Permit files/inspection reports |
| | TSCA Inspection Reports |
| | OSHA Inspection Reports |
| - | Municipal/Country/City Public Health Agencies |
| | Local Well Drillers |
| | State/Country Road Commissions |
| | TT Utilities |
| | Local Airports/Weather Bureaus |
| | Naturalist/Environmental Organizations |
| | Employees |
| | Colleges/Universities |
| | Interviews with local residents |
| | TT Public Notice |
| 4. | The facility is on the National Priorities List or proposed update of the List or proposed update of the List or ERRIS list |
| | Yes - indicate List or update |
| | No No |
| | Yes - ERRIS list |
| Plar | Prior to completion of the Recommendation portion of the Facility Management , the attached Appendix must be completed. |
| | Description of Enforcement Status: |
| 5. | Type of Action Date Local, State or Federal Result or Status |
| - | C.A.F.O June/86 Federal in Oraft form |

| 6. | Review of Response to Solid Waste Management Questionaire indicates: (check one) |
|----|---|
| | Solid Waste Management Units exist (other than previously identified RCRA units) |
| | Ne Solid Waste Mangement Units exist (other than previously identified RCRA units) |
| | It is unclear from review of questionaire whether or not any Solid Waste Management Units exist |
| | Respondent indicates that does not know if any Solid Waste Management Units exist |
| 7. | If the response to question 9 is that Solid Waste Management Units exist, then cneck one of following: |
| | Releases of hazardous waste or constituents have occurred or are thought to have occurred |
| | Releases of hazardous waste or constituents have not occurred |
| | Releases of hazardous waste or constituents have occurred or are thought to have occurred but have been adequately remedied |
| | It is not known whether a release or hazardous waste or constituents has occurred |
| 8, | Description of Any Complaints from Public: |
| | Source of Complaint Date Recipient Subject and Response |
| | Alexander de la laction de laction de la laction de laction de la laction de la laction de laction de la laction de la laction de laction de laction de la laction de |
| | Alone in The Illegal clischarge into City of Easthake Suntace waters. |
| | |
| 9. | Description of All Inspection Reports for Facility: |
| | Date of Inspection Inspector (Local, State, Conclusions or Comments |
| | 2/2/83 State Generator only inspection |

| - | | 1E3 - 4 | rive date if inspection and describe observation |
|---|------------|----------|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | X | No | Don't know |
| • | | - ''' | |
| | Do inspe | ction re | eports indicate observations of discolored soils or dead ve |
| | tion that | t might | be caused by a spill, discharge or disposal of nazardous w |
| | | | - indicate date of report and describe observations |
| | | 1es - | - Indicate date of report and describe observations |
| - | | | |
| | | | |
| | V | | |
| | | No | |
| | | _ Don't | know |
| | b 4 | | and design the process of any tanks at the facility of |
| • | are loca | ited bel | reports indicate the presence of any tanks at the facility of the second possible leak without being noticed by |
| | pbservat | | |
| | <u> </u> | _ Yes - | date of inspection and describe information in report |
| | _ | | Inspector noticed tank and concluded |
| | | | Inspector noticed tank and concluded it was part of the wastewater treatment |
| | | | unit, thus not-regulated. |
| | | | anil, thus hot-require |
| | | | |

| 14. | If an answer to question 8 is yes, is the groundwater system capable of monitoring both regulated RCRA units and other Solid Waste Management Units? |
|-----|--|
| | Explain - |
| | |
| | |
| 15. | Is the groundwater monitoring system in compliance with applicable RCRA groundwater monitoring standards? |
| | If no, explain deficiency |
| | |
| | |
| | |
| 16. | Describe all information on facility subsurface geology or hydrogeology available. |
| | Type of Information Author Date Summary of Conclusions |
| ٠ | Soil Sampling will commence as a result of the C.A.F. to |
| | Soil Sampling will commence as a result of the C.A.F. to or closure plan approval (see attachnest I) |
| | |
| 17. | Did the facility submit a 103(c) notification pursuant to CERCLA? |
| | Yes Date of Notification |
| | No No |

18. If answer to 12 is yes, briefly summarize content of that notification. (waste management units identified, type of waste concerned)

| <u>X</u> | _ Yes _ No |
|---|--|
| If answer to que focusing on typof containinati | estion 14 is yes, briefly describe conclusions of the PA/SI es of environmental contaimination found, wastes and sources on. |
| | |
| | |
| | |
| | |
| | |
| If available, Part B, it app | having reviewed the CERCLA notification, RCRA Part A and RCRA ears that: (CERCLA Unit refers to units or area of concern in CERCLA response activity) |
| If available, Part B, it app | ears that: (CERCLA Unit refers to units or area of concern in CERCLA response activity) RCRA and CERCLA units are same at this facility |
| If available, Part B, it app | ears that: (CERCLA Unit refers to units or area of concern in CERCLA response activity) |
| Part B, it app | ears that: (CERCLA Unit refers to units or area of concern in CERCLA response activity) RCRA and CERCLA units are same at this facility RCRA and CERCLA units are clearly different units There is an overlap between the RCRA and CERCLA units |

23. Identification of Reports or Documentation Concerning Each Release Described in Item 17.

Title/Type of Report Date Author Recipients Contents

24. Highlight any information gaps relating to the existence of solid waste management units additional needed information.

List the solid waste management units at this facility (other than tanks and container storage areas for holding wastes with no hazardous constituents):

Next Step

| | | | Next Step | |
|---------------------------|---|---|--|------|
| <u>Unit</u> | Are hazardous constituents present in the waste (ves/no)? | Is it reasonable to suspect a release (yes/no)? | (a) site investigation wor (b) plan of study for reme investigation (c) corrective action plan (d) no further action requ | dial |
| 1. Sinface Impoundmen | yes | yes | 1) | |
| Impoundmen 2. Lgo Stor | reje yes | possible | A) | |
| 3. | <i>6</i> | | | |
| 4. | • | | | |
| 5. | | | | |
| £. | | | | |
| 7. | | | and a state of | |
| .3 | | | | |
| Ġ. | | • | | |
| .0. | | | | - |

Complete and attach the "Assesment of Unit" form for each unit with "yes" answers in both of the first two columns.

| 26. | Summary | of exposure potential |
|-----|----------|---|
| Yes | No | |
| | PI | Public is now drinking water contamination with wastes from the facility; |
| | ? | Public is at risk of exposure through direct contact to wastes contained at or releasing from the facility; and |
| | X | Public is at risk from exposure from breathing hazardous wastes releasing from the RCRA facility. |
| | <u> </u> | The following information is needed to determine whether the public is at risk: Self and G. W. Sampling of the area and an EIR should be completed. |
| | | The solid waste management units at this facility do not appear to present a threat to public health at this time. |
| 27. | Based or | my review of this Preliminary Assesment, it is hereby |
| | <u> </u> | approved |
| | | not approved |
| Sig | nature: | (EPA Staff) Date: 5/13/86 |
| | | |

| Description | of Unit: | Surface | Impound | wat. | 190 | storage | are a | |
|-------------|----------|----------|---------|------|-----|---------|-------|--|
| Description | | · · | | | | Q | | |
| | may 10 | <u> </u> | | | | | | |

Disposed at the Unit:

Identification of Hazardous Waste Generated, Treated, Stored or (may attach Part A or permit list or reference those documents if listing of wastes is exceptionally long - in that case, to complete this question list wastes of greatest interest and/or quantity and note that additional wastes are managed)

Type of Waste

Ouantity

Generated, a treated, Stored or Disposed (note appropriate categories)

F006

Generated, Stored, possibly disposed.

- Fool, Food,

Poso, pogg, Ploy Loot Generated

Exhibit 3-2

| Checklist for Ground Water Releases | | | Need S1 to |
|---|--------------------------------------|--|----------------------------|
| | Yes | <u>No</u> | <u>determine</u> |
| Identifying Releases | | | |
| 1. Potential for Ground Water Releases from the Unit | | • | |
| o Unit type and design | | | |
| - Does the unit type (e.g., land-based) indicate the potential for release? | <u>X</u> | and the same of th | te nsional tite |
| - Does the unit have engineered structures (e.g., liners, leachate collection systems, proper construction materials) designed to prevent releases to ground water? | -المناسنة | × | |
| o Unit operation | • | | |
| Does the unit's age (e.g., old unit) or operating status (e.g., inactive, active) indicate the potential for release? | X | ************************************** | |
| Does the unit have poor operating procedures that increase the potential for release? | <u> </u> | | X |
| Does the unit have compliance problems that indicate the potential for a release to ground water? | | approx. | \leq |
| o Physical condition | | | |
| Does the unit's physical condition indicate the potential for release (e.g., lack of structural integrity, deteriorating liners, etc.)? | X | | |
| o Locational characteristics | | | |
| Is the unit located on permeable soil so the release could migrate through the unsaturated soil zone? | | | $\underline{\times}$ |
| Is the unit located in an arid area where the soil is less saturated and therefore a release has less potential for downward migration? | ———————————————————————————————————— | × | - |
| Does the depth from the unit to the uppermost aquifer indicate the potential for release? | | | \propto |
| Does the rare of ground water flow greatly inhibit the migration of a release from the facility? | 40000000 | | X |
| Is the facility located in an area that recharges surface water? | · | | 4 |

Exhibit 3-2 (continued)

| | Checklist for Ground Water Releases | | | Need SI to |
|----|--|-----------|-------------------------------|--------------------|
| · | , | Yes | No | <u>determine</u> |
| ¢ | Weste characteristics | | | |
| | Does the waste in the unit exhibit high or moderate characteristics of mobility (e.g., tendency not to sorb to soil particles or organic matter in the unsaturated zone)? | × | elias-auropa | destruction. |
| | Does the waste exhibit high or moderate levels of toxicity? | X | www.wedum | |
| 2. | Evidence of Ground Water Releases | | | • |
| c | Existing ground-water monitoring systems | | X | |
| | - Is there an existing system? | | $\frac{\cdot}{\kappa}$ | and the correspond |
| | - Is the system adequate? | | | «کابسی |
| | Are there recent analytical data that indicate a release? | | X | |
| (| c Other evidence of ground water releases | | | |
| | Is there evidence of contamination around the unit (e.g., discolored soils, lack of or stressed vegetation) that indicates the potential for a release to ground water? | ettendis- | | ∝ . |
| | - Does local well water or spring water sampling data indicate & release from the unit? | | . 11. T 12.T _. | K |
| | termining the Relative Effect of the Release on Human | .* | | |
| he | ealth and the Environment | | | |
| 1. | . Exposure Potential | | | |
| | c Conditions that indicate potential exposure | | | |
| | - Are there drinking water well(s) located near the unit? | | | <u>×</u> |
| , | Does the direction of ground water flow indicate the potential for hazardous consti- tuents to migrate to drinking water wells? | · . | enikai Nija | <u>×</u> |

Exhibit 4-1

| Checklist | for | Surface | Water. | /Surface | Drainage | Releases |
|-----------|-----|---------|--------|----------|----------|----------|
| | ~~~ | | | , | | |

| | | Yes | No | Need SI to determine |
|--------|---|---------------|--------------------|----------------------------|
| Identi | fring Releases | | | |
| 1. | Potential for Surface Water/Surface Drainage Releases from the Facility | | | |
| | o Proximity to Surface Water and/or to Off-site Receptors | | | |
| | Could surface run-off from the unit reach the nearest downgradient surface water body? | | | X |
| | Could surface run-off from the unit reach off-site receptors (e.g., if facility is located adjacent to populated areas and no barrier exists to prevent overland surface run-off migration)? | dan Finds | - | <u>×</u> |
| | o Release Higration Potential | | | |
| | Does the slope of the facility and intervening terrain indicate potential for release? | | | <u>×</u> |
| | Is the intervening terrain characterized by soils and vegetation that allow overland migration (e.g., clayey soils, and sparse vegetation)? | O | | \leq |
| | - Does data on one-year 24-hour rainfall indicate the potential for area storms to cause surface water or surface drainage contamination as a result of run-off? | | | . · . <u>≤</u> |
| , | o Unit Design and Physical Condition | | | |
| | Are engineered features (e.g., run-off control systems) designed to prevent releases from the unit)? | | | X |
| | Does the operational history of the unit indi- cate that a release has taken place (e.g., old, closed or inactive unit, not inspected regularly, improperly maintained)? | | | × |
| • | - Does the physical condition of the unit indicate that releases may have occurred (e.g., cracks or stress fractures in tanks or erosion of earthen dikes of surface impoundments)? | | ámonsold SPATELEON | <u>R</u> |

Exhibit 4-1 (cont.)

| | Checklist for Surface Water/Surface Drainage Release: | 5 | | Need |
|-------|--|--|-------------------|--|
| | | <u>Ye</u> £ | No | SI to determine |
| | c Reste Characteristics | | | |
| | Is the volume of discharge high relative to the size and flow rate of the surface water body? | | · Carrier Carrier | 7 |
| | - Do constituents in the discharge tend to sort to sediments (e.g., metals)? | ************************************** | | |
| | Do constituents in the discharge tend to be transported downstream? | | | |
| | - Do waste constituents exhibit moderate or high characteristics of persistence (e.g., PCbs, dioxins, etc.)? | | | Commence of the Commence of th |
| | - Do waste constituents exhibit moderate or high characteristics of toxicity (e.g., metals, chlorinated pesticides, etc.)? | | | - |
| 2. | Evidence of Surface Water/Surface Drainage Releases | | | |
| | o Are there unpermitted discharger from the facility to surface water that require at NFDES or a Section 404 permit? | | | |
| | o is there visible evidence to recontrolled tur-off from units at the facility? | | | + |
| Det | ermining the Relative Effect of the Iclease on Human | | | |
| h e z | lit and the Environment | | • | |
| 1. | Emposure Potential | | | |
| | o Are there drinking water intakes nearby? | | | |
| | c Could human and/or environmental receptors come into contact with surface drainage from the facility? | | | |
| | o Are there irrigation water intakes nearby? | | | |
| · | o Could a sensitive environment (e.g., critical hab- itat, wetlands) be affected by the discharge (if it is nearby)? | | ماريس | |

2.

Exhibit 5-1

| Checklist for Air Releases | | | Need |
|--|--|----|-------------------|
| | Yes | No | SI to determin |
| Identifying Releases | | | |
| 1. Potential for Air Releases from the Facility | | | |
| o Unit Characteristics | | | |
| - Is the unit operating and does it expose wastes to the atmosphere? | ************************************** | - | - |
| - Does the size of the unit (e.g., depth and surface area) create a potential for air release? | | | - |
| o Does the unit contain waste that exhibits a moder- ate or high potential for vapor phase release? | | | |
| - Does the unit contain hazardous constituents of concern as vapor releases? | | * | |
| Do waste constituents have a high potential for volatilization (e.g., physical form, concentration, and constituent-specific physical and chemical parameters that contribute to volatilization)? | GEORGIA | | |
| o Does the unit contain waste and exhibit site conditions that suggest a moderate or high potential for particulate release? | | | |
| Does the unit contain hazardous constituents of concern as particulate releases? | | | • |
| - Do constituents of concern as particulate releases (e.g., smaller, inhalable particulates) have potential for release via wind erosion, reentrain- | , , | | |
| ment by moving vehicles, or operational activities? | | | |

- Are particulate releases comprised of small particles that tend to travel off-site?

Exhibit 5-1 (cont.)

| | Checklist for Air Releases | Ÿe s | No | Need SI to determine |
|-----|--|---|-----------------------|----------------------------|
| | | ; C 8 | | · · |
| c | Do certain environmental and geographic factors affect the concentrations of airborne contaminants? | | | |
| | - Do atmospheric/geographic conditions limit constituent dispersion (e.g., areas with atmospheric conditions that result in inversions)? | | مستسعه ا | |
| | - Is the facility located in a hot, dry area? | *************************************** | | . |
| , e | Evidence of Air Releases | | | • |
| | o Does on-site monitoring data show that releases have occurred or are occurring (e.g., OSHA data)? | | مينالسيسيد | |
| | o have particulate emissions been observed at the site? | | | |
| | o Have there been citizen complaints concerning odors or observed particulate emissions from the site? | | | <u></u> - |
| De | cormining the Relative Effect of the Release on Human | | | |
| he | alth and the Environment | | | |
| 1. | · | | | |
| | o is a populated area located hear the site? | | | • |

Exhibit 6-3

| • | EXHIBIC | | | |
|------------------|---|---|-------------|------------------------------------|
| - | Checklist for Subsurface Gas Releases | Yes | No | Need SI to <u>determin</u> e |
| | | | | |
| dentif | ving & Release | | | |
| - | ential for Subsurface Gas Releases | | | |
| 0 | Does the unit contain waste that generates methane or generates volatile constituents that may be carried by methane (e.g., decomposable refuse/volatile organic wastes)? | *************************************** | diamentos | annessa* |
| . | Is the unit an active or closed landfill or a unit closed as a landfill (e.g., surface impoundments and waste piles)? | | | - |
| i. Mis | rration of Subsurface Gas to On-site or Off-site | | | |
| Ъui | lldings | | | |
| 0 | Are on-site or off-site buildings close to the unit? | دان بالاستانان | | |
| 0 | Do natural or engineered barriers prevent gas migration from the unit to on-site or off-site buildings (e.g., low soil permeability and porosity hydrogeologic barriers/liners, slurry walls, gas control systems)? | | | |
| · c | Do natural site characteristics or man-made structures (e.g., underground power transmission lines, sewer pipes/sand and gravel lenses) facilitate gas migration from the unit to | · - | | • |
| | buildings? | | 44 | |
| Determ Health | dining the Relative Effect of the Release on Human and the Environment | | | |
| 1. Ex | cposure Potential | | | |
| c | Does building usage (e.g., residential, commercial) exhibit high potential for exposure? | <u>en equan</u> it | | Continue Continue |

| ì | ID # | | |
|---------------------|---|---|--|
| | | | |
| Cility name: A ID & | | | |
| | Site Investigation Report | | |
| | evidence of past waste disposal practices not currently regulated under RCRA such as piles of waste or rubbish, ponds or surface im- | | |
| | a) Yes, Explain | | |
| | | | |
| | b) No | | |
| | c) Cannot Respond to this Question | | |
| | | | |
| | might be caused by a spill, discharge or disposal of hazardous | | |
| | a) Yes, Explain | | |
| | b) No | • | |
| | c) Cannot Respond to this Question | | |
| | Are there any tanks at the facility which are used for waste storage | · | |
| | leak without being noticed by visual observation? | | |
| | a) Yes | | |
| | b) No | | |
| | c) Cannot Respond to this Question | | |
| | | | |
|) | facility there is no reason to question or doubt the information which the applicant has submitted on the questionnaire regarding Solid Waste Management Units and the possibility of prior or con- | | |
| | a) I concur with this statement | | |
| | b) I do not concur with this statement for the following reasons: | | |
| | | - | |

| 5) | If 4(b) was checked, Describe what additional information or testing is needed to deter- mine if prior or continuing releases of hazardous wastes or constituent have occurred. Specify which units are of concern and what types of releases are suspected (i.e., releases to groundwater, surface water, air, soils, etc). | | | | | |
|----|---|--|--|--|--|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 6) | An on site inspection to discuss and evaluate the possibility of prior or continuing releases from Solid Waste Management Units is recommended | | | | | |
| | a) Yes | | | | | |
| | b) No | | | | | |
| 7) | Was site sampling for confirmation of suspected releases conducted? | | | | | |
| | a) Yes | | | | | |
| | b) No | | | | | |
| 8) | If yes to 7, detail the following: | | | | | |
| | Sampling plan - include locating parameters to be tested. rationale for each parameter, logistics, dates, personnel etc. | | | | | |
| | 2) Analytical results - OA, OC. Result summary conclusion. | | | | | |
| 9) | A Remedial Investigation (R.I.) is needed to evaluate the nature and extent of prior releases of hazardous wastes or constituents from Solid Waste Management Units. | | | | | |
| | a) Yes | | | | | |
| | b) No | | | | | |

| If the an requiring is as fol | swer to No. 7 above is "Yes", the priority and manner for the applicant to conduct the Remedial Investigation (R.I.) lows: |
|-------------------------------|--|
| | a) Require R.I. in compliance schedule that is part of RCR permit. |
| | b) Issue Compliance Order requiring R.I. to be done. |
| 2446.0 | • |
| Did the S indicated | I address all items that the PA "Assessment of Unit" forms the SI should address? |
| Did the S indicated | I address all items that the PA "Assessment of Unit" forms |
| Did the S indicated | I address all items that the PA "Assessment of Unit" forms |
| indicated | I address all items that the PA "Assessment of Unit" forms |
| Based on | I address all items that the PA "Assessment of Unit" forms the SI should address? |
| Based on | and the SI should address? my review of this S.I. report, it is hereby: |

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inter-office communication

| to: | Warren W. Tyler date: | APR | 1 4 1986 | |
|---------|---|--------|----------|-------|
| from: | Joan DeMartin Attorney thru Virginia Aveni, Deputy Director | | | _ |
| | U.S. DOE, King Musical, Inc., and Dana Corporation - Referral t | o U.S. | EPA | |
| 000,000 | | | RECE | EIVEL |

APR 1 5 1986

The attached letter, for your signature, refers U.S. Department of Energy OHIO EPA-N.E.I (U.S. DOE) Portsmouth, King Musical, Inc., Eastlake, and Dana Corporation, Antwerp, to the USEPA for enforcement action. Violations documented at these facilities by OEPA personnel are classified as "high priority" violations pursuant to USEPA enforcement memoranda. Accordingly, the Ohio EPA must refer the facilities to either USEPA or the Ohio AGO, or finalize an administrative consent order with a penalty, within 120 days of discovery of the violation. The following is a brief summary of each case:

- 1) U.S. DOE, Portsmouth The Goodyear Atomic Corporation operates a uranium enrichment complex for the U.S. DOE. Hazardous waste activities include a drum storage area, a surface impoundment for chromium sludge storage, and a land treatment area for contaminated soils. The facility has numerous RCRA violations, including violations of groundwater monitoring requirements which qualifies the facility as a high priority violator and a significant non-complier. According to the District recommendation, a series of RCRA and CERCLA type remedial measures and investigations will be necessary to correct the many problems at this facility. The DSHWN LSC therefore recommends the referral of this case to USEPA as the most appropriate mechanism to meet the Agency's grant commitments.
- 2) King Musical, Inc., Eastlake - This facility conducts a musical instrument nickel and silver plating operation whose electroplating operations generate a wastewater treatment sludge defined as hazardous. The sludge is stored on two on-site drying beds which both the Company and OEPA believed were properly classified as "tanks," and thus exempt from Ohio's hazardous waste regulations per OAC Rule 3745-65-01(C)(10). The Company cleaned out the sludge beds in November, 1985, and discovered that there was not a concrete tank enclosing the beds as required for the exemption. Although King immediately notified the Agency and agreed to take all necessary remedial action, the drying beds now are considered a hazardous waste surface impoundment in violation of groundwater monitoring requirements and thus a high priority violation. The DSHWM LSC does not believe that a penalty is appropriate under these circumstances, and therefore referral to USEPA is the most appropriate action consistent with Agency grant commitments.
- 3) Dana Corporation, Weatherhead Division, Antwerp This facility closed an unpermitted hazardous waste surface impoundment in 1982 by removing the waste to a secure landfill. The surface impoundment was not closed according to an approved closure plan and groundwater monitoring was

not installed as required by CFR 265.90 et. seq., thus qualifying the above as high priority violations. The submittal of a closure plan and the installation of groundwater monitoring will be required to correct these violations, and satisfy USEPA. The DSHWM believes that referral to USEPA is the most appropriate means to satisfy Agency grant commitments under these circumstances.

If you have questions or comments, I am available to discuss this at your convenience.

JD/sw

cc: Virginia Aveni
Chuck Taylor
Ed Kitchen
Jennifer Tiell
Tony Sasson
Paul Kalter, NWDO
Chris Frazier, NEDO
Mike Moschell, SEDO



State Of Ohio Environmental Protection Agency

P.O. Box 1049, 361 East Broad St., Columbus, Ohio 43216-1049 (614) 466-8565



Richard F. Celeste, Governor

Valdas Adamkus Regional Administrator U.S. EPA - Region V 230 S. Dearborn Street Chicago, Illinois 60604

Mr. Adamkus:

In accordance with Ohio EPA's grant commitment and the National Enforcement Response Policy, I am referring the following facilities to U.S. EPA for enforcement of RCRA violations:

- 1) U.S. DOE Portsmouth 0H7890008983
- King Musical, Inc. OHD004153854
- 3) Dana Corporation OHD005039730

Attached you will find referral packages which include descriptions of violations and pertinent documents. If you have any questions please contact Edward Kitchen, Division of Solid & Hazardous Waste Management at (614) 462-8949.

Warren W. Tyler

JD/sw

cc: Virginia Aveni
Chuck Taylor
Edward Kitchen
Joan DeMartin
Jennifer Tiell
Tony Sasson
Paul Kalter, NWDO
Chris Frazier, NEDO
Mike Moschell, SEDO
Al Franks

@inter-office communication

: Jenny Tiell, Legal date: Feb. 6, 1986

from: Main T. Cotter, S&E Section, DSHWM

subject: King Musical

Attached is a draft set of Findings and Orders for King Musical which Chris Frazier and I did. Please contact her if you have questions. I believe she has told the company to expect this action.

PTC/maf

Attachment

cc: Chris Frazier, NEDO - w/ attachment Tony Sasson, CO - w/ attachment

16215

*86 FEB -7 AIO :07

| " 80 are they proce lingue w/ requirements 57 letter of 11/27/85 W/ written agreement? - |
|---|
| ENFORCEMENT REFERRAL OHIO EPA |
| DIVISION OF SOLID AND HAZARDOUS WASTE MANAGEMENT DEC |
| b toward like I get them into compliance piv. of SOLID & HAZ. |
| but 9684 likely would want senately for high private violator WASTEMGT |
| From: (District Name) |
| Date: 12-6-85 |
| 1. Responsible Party(ies): |
| (a) Name KING MUSICAL INSTRUMENTS |
| (b) Address 33999 WETIS BUD TO BOK 48 |
| EASTLAKE, DHIO 44094 |
| County: <u>LAKE</u> |
| (c) Contact Person: JACK HAYNES |
| (d) Telephone No.: 216-946-6100 |
| 2. Parent Company (if applicable): |
| (a) Name: <u>SKONE-GRIPEN</u> |
| (b) Address: |
| STOCKHOLM, SWEDEN |
| (c) Contact Person: |
| (d) Telephone No.: |
| 3. Regulatory Status (check appropriate lines) were Hed 150 |
| TSD Facility (Permitted)Generator |
| TSD activity (Unpermitted) Small Quantity Generator |
| Transporter Unpermitted/Unlicensed Solid Waste Disposal |
| Solid Waste (License and/or PTI) |
| 4. Violation Description: NNPERMITTED |
| (a) Location of Violation: FACILITY IS OPERATING TWO 30' x 20' H.W |
| IMPOUNDMENTS IMPOUNDMENTS ARE LOCATED ON THE WEST |
| SIDE OF THE BUILDING ADJACENT TO THEIR INDOOR |
| NASTEWATER TREATMENTS SYSTEM. |

(b) Nature of violation. (Specific description of violation, regulation or statute violated, a statement of how long or how often violation has occurred, and environmental and/or health effects of violation.) KING MUSICAL HAS OPERATED FILTER BEDS IN CONJUCTION WITH THEIR HAZAPDOUS WASTEWATER TREATMENT SYSTEM (FOOL). OHIO EPA FIRST INSPECED THE FACILITY IN 1983. AT THIS TIME. NOV, 1985, THE BEDS WELL THOUGHT TO TE THE DEFINITION OF & "TANKS" THESE "TANKS" BEING WWTS EXEMPT BY VIRTUE OF DAC 3745-105-01 (P) > DURING A CLEANOUT KING MUSICAL OF THE FILTER BEDS BISCOUERED & DISCREPANCY IN THE CONSTUCTION OF THE DEDS. THEY DISCOVERED THE WESTERN THE LINDER THAT THE BEDS CONSIST OF A SAND GRAVEL FILTER MEDIA, AN UNDER-DRAIN SYSTEM AND THE EARTHEN BASE, INCURRED THE FOLLOWING VIOLATIONS/: HAS ! OPERATION WHE FILTER BEDS (SURFACE IMPOUNDMENTS WITHOUT FEDERAL STATE H.W. PERMIT DAC 37 2. FAILURE TO INSTALL A GW MONITORING SYSTEM - DAC 3745-3. FAILURE TO SECURE FINANCIAL ASSURANCES ANN LIABILITY INSURANCE - DAC 3745 4. FAILURE TO MAINTAIN AN OPERATING RECORD - DAC 3745 5. FAILURE TO INSPECT THE SURFACE IMPOUNDMENTS - DAC THE ENVIRONMENTAL IMPACT OF THE IMPOUNDMENTS IS UNKNOWN AT THIS TIMESINCE NO OPOUNDWATER MONITORING SYSTEM IS IN PLACE CONCERN EXISTS OVER POTENTIAL GROUNDUKTER AND SOIL CONTAMINATION.

(c) Brief description of complaints from the public against the party(ies), if any. CITY OF EASTLAKE MUNICIPAL WINTP IS SKING FACILITY FOR EFFLUENT DISCHARGE VIOLATIONS. NO OTHER COMPLAINTS FROM THE PUBLIC (d) Chronology of events (site inspections, letters, meetings, telephone calls). Describe enforcement action already taken against entity for this violation (including letters, telephone calls, meetings). There was FEB. 2, 1983 - FIRST INSPECTION-STATUS OF IMPOUNDMENTS UNCERTAIN APRIL 28, 1983 - TELEPHONE CONVERSATION - KING DETERMINED THAT THE HAPO FILTER BEDS HAD UNCRETE SINES & BASE. JUNE 17, 1983 - RE-INSPECTION What found there? REQUESTS A MEETING OVER MANDY 1 MASS-PHONE CONVERSATION - KING SUSPECTS A PROBLEM WITH THE CONSTRUCTION OF THE FILTER BEDS (IMPOUNDMENTS). NIV 15, 1985 - MEETING - DISCUSSED SUSACION OF FILTER BED PROBLEM NOV 20, 1985 - PHONE CONVERSATION - KING CONFIRMS CONSTRUCTION TO BE SURFACE IMPOUNDMENTS. NOV 21, 1985 - LETTER TO KING'S CONSULTANT REGARDING CLOSURE. (e) Index of documents (copies attached). MARY, MARY INSPECTION REPORT COVER LETTER. ASSISTED CONSULANT VITH CLOSURE FLAN APRIL 28, 1983 - RECORD OF PHONE CONVERSATION WITH KING MUSICAL THE 17 1983 THE RE-INSPECTION COVER LETTER REGARDING NOTIFICATION STATUS 4. OCT 4, 1983-LETTER TO USEPA CUSTIMING GENERATOR VS. TSB STATUS PERMIT 5. JAN. 12, 1984-LETTER FROM USEPA REGARDING BELLERATOR IS 75 b STATUS. 6. NOV 1, 1985 - PHONE CONVERSATION) WITH KING MUSICAL 7. NOV 15, 1985 - MEETING NOTES. WITH KING MUSICAL P. NOV. 20, 1985 - PHONE CONVERSATION WITH KING MUSICAL 9. NOV 21 M85 - LETTER TO KING'S CONSULTANT 10. NOV. 27, 19P5 - LETTI WARNING LETTER TO KING.

| 71713/1 | EWATER | TREA | TMEN' | <i>T</i> : | 5 <i>V</i> 57 | EM | Pl | ANS | • | | |
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| ditnoce) | list (name | a addr | ose and | nhon | 0 1115 | har | of mo | onla | 4 - 1- | £: | ابد |
| Witness l knowledge | list (name related | e, addr to the | ess and violati | phon ion) | e num | iber | of pe | ople | with | firs | t |
| Witness l knowledge | list (name related | e, addr to the | ess and violati | phon ion) | e num | iber | of pe | ople | with | firs | t |
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| Witness l knowledge | list (name related | e, addr to the | ess and violati | phon ion) | e num | ber | of pe | ople | with | firs | ti |
| Witness l knowledge | list (name related | e, addr to the | ess and violati | phon ion) | e num | iber | of pe | ople | with | firs | t: |
| Witness l knowledge | list (name related | e, addr to the | ess and violati | phonion) | e num | nber | of pe | ople | with | firs | t |
| Witness l knowledge | list (name | e, addr to the | ess and violati | phonion) | e num | iber | of pe | ople | with | firs | t: |
| Witness l knowledge | list (name | e, addr to the | ess and violati | phonion) | e num | iber | of pe | ople | with | firs | |
| Witness l knowledge | list (name | e, addr to the | ess and violati | phonion) | e num | iber | of pe | ople | with | firs | |
| Witness l knowledge | list (name | e, addr | ess and violati | phonion) | e num | iber | of pe | ople | with | firs | ti |

| (11) | HAVE BEEN FOUND TO BE |
|--------|---|
| | BLUEPRINTS OF THE WATS ERE INCOMPLETE AND INACCURATE. |
| | DEPENDENCE ON THE PRINTS CONTRIBUTED TO THE ERROR TOPIES |
| | COMPANY ENGINEER, WHO WAS RESPONSIBLE FOR CHARACTERIZING THE |
| • | CONSTRUCTION OF THE FILTER BEDS, HASP RETIRED FROM |
| | COMPANY. BEDS ARE CLEANED OUT VERY INFREQUENTLY AND ARE |
| (i) | THEREFORE INFREQUENTLY EXAMINED. Possible measures to remedy the violation (e.g., repairs, new process equipment, new procedures, etc.). |
| | CLOSURE OF IMPOUNDMENTS AND INSTALLATION OF \$ SUBSTI- |
| | TUTE WASTEWATER TREATMENT EQUIPMENT. |
| | |
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| | |
| | |
| 5. Rec | uest for Enforcement Action |
| (a) | Contacts: |
| | District Contact: CHRIS FRAZIER |
| · | Central Office Contact: |
| | Legal Office Contact: |
| | Other Government Contact: |
| (b) | District recommendation for enforcement action: |
| | FINDINGS AND ORDERS WITH COMPLIANCE SCHEDULE |
| | |
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| (c) | Recomme | endatio | on wit | h respect t | o publicity | 1: <u>N</u> | O COMP | 1ENT | |
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| Signed: | | | | | | Date: | | | |
| • | Wn | She | (Inve | estigator) | | | 12- | 6 -85 | . , |
| Approved | | | | | | Date: _ | | | · |
| | | (Dist | rict (| nit Supervi | isor) | _ | | | |
| Approved | : | | | • | | Date: | | * <u>*</u> * . | |
| | | | (Distr | ict Chief) | | | | ······································ | |
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KING MUSICAL INSTRUMENTS 216/946-6100 TELEX 241113 KINGMUSIC EAKE

33999 CURTIS BOULEVARD P.O. BOX 48

EASTLAKE, OHIO 44094

March 19, 1984

Kenneth A. Schultz Ohio Environmental Protection Agency Emergency Response 361 E. Broad Street P. O. Box 1049 Columbus, OH 43216

RE: Incident No. 2-43-332 Lake County

This Incident is directly a result of Incident No. 2-43-310; discharge Dear Mr. Schultz: of waste water into the Willoughby Eastlake water system. As stated in the other report, the filter beds were used as holding tanks while the clarifier was drained and cleaned. The beds, therefore, exceeded normal fluid levels exposing the bed seams which do not normally come into contact with this amount of discharge.

The problem experienced with the clarifier was stated in the other letter, is under control. Again, please be reassured that the management of King Musical will continue to maintain EPA and city standards.

If you have any further questions regarding the response to the questionnaire, please contact me immediately.

Sincerely,

KING MUSICAL INSTRUMENTS, INC.

J. Haynes,

Mgr. Personnel Administration

JJH/dmr

Encls.

cc: Ed Chesko, King Musical Christine Mikoy Frazier, Ohio EPA

Reporting

- a) 9:00 a.m., February 11, 1984
- b) 9:30 a.m., February 11, 1984
- 2) Location
 - 33999 Curtis Blvd, Eastlake, Ohio, Lake County
 - Filter beds, rear of building. Lake County, Eastlake, Ohio.
- Product Release
 - Untreated waste water with pH of 8.0, copper of 3.5.
 - Slow trickle (immeasurable) for approximately one hour maximum in duration.
- Environmental Impact
 - a) n/a

d) n/a

ь) n/a

- e) n/a
- 10' x 5' approximately
- f) n/a
- Within thirty minutes of discovering the discharge, the filter bed wall was repaired. Within 48 hours, all filter bed walls were inspected and repaired as needed. Future monitoring of filter beds will be done twice daily when
- Migration, Containment Action
 - 50, cu. ft. of contaminated soil recovered. a) ь)
 - Arrangements in process to have soil transported.
 - c)
 - d) n/a
- Economic Impact
 - a) n/a
 - b) n/a
 - c) \$200.00
 - d) \$450.00
- 8) n/a
- On February 10, 1984, the clarifier was drained into the filter beds in order 9) to thoroughly clean the system. On February 11, 1984, at approximately 9:00 a.m. a city representative noticed a small trickle in the seam of the bed just starting. By 9:30 a.m. the small leak was patched. The soil which was contaminated, an area approximately 10' x 5' was dug up and put into six 55 gallon drums. Arrangements are being made to properly transfer the n/a

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Re: King Musical Instruments Lake County

July 18, 1983

Mr. Jack Haynes King Musical Instruments 33999 Curtis Blvd. Box 48 Eastlake, Ohio 44094

Dear Mr. Haynes:

This letter is intended to follow-up my June 17, 1983, reinspection of King Musical Instruments. You and Mr. Kaplan represented the company during the second inspection. The following points summarize the actions taken by King Musical since the February 2, 1983, inspection.

- √ 1. During the February 2, 1983, inspection, the plating waste settling basins were thought to be of earthen construction. Since that time, the facility has provided blueprints which show the basins to be of concrete construction (the construction material was confirmed through physical excavation). The concrete basins are a part of a wastewater treatment system and also meet the definition of a "tank". As such, the wastes stored in the basins are exempt from regulation by virtue of OAC 3745-65-01 (C)(10) and 40 CFR 265.1 (c)(10). Please be aware, the plating wastes become subject to the generator regulations (OAC 3745-52 and 40 CFR 262) upon removal from the basins.
- √ 2. A partial analysis of the plating wastes was available, but it was unclear whether the analysis was from a "total" metals test or an "EP Toxicity" test. Please clarify and, if necessary, obtain an EP Toxicity analysis (include the eight parameters listed in OAC 3745-51-24 and 40 CFR 261.24) of the waste. We also suggest that any cyanide in the sample also be quantified.
 - 3. The waste quantity was added to subsequent manifests. Please note, the proper shipping description of the distillation residues (for designation on the manifests and hazardous waste labels) should include the word "Waste."
 - 4. The hazardous waste Contingency Plan was developed and available for review. The following additions should be added to the plan:

-hazardous waste spill clean-up procedures;

-note the location of any absorbant material on the emergency equipment layout;

-addresses, home phone numbers and work phone numbers of all emergency coordinators;

-description of the arrangements between King Musical and local emergency authorities.

Re: King Musical Instrument
Page 2

- e personnel training records were established.
- 6. Waste drums were labeled but did not show the beginning date of accumulation. Please assure that the date is marked on the containers as soon as accumulation begins.

The drummed waste storage area was not being inspected as required by OAC 3745-66-74 and 40 CFR 265.174. You indicated that this requirement was inadvertantly overlooked and that the inspections would start immediately.

Please submit copies of the sludge waste analysis, the Contingency Plan revisions and inspection records within thirty (30) days of receipt of this letter. This information will serve as verification of compliance.

Yours truly,

Christine Mikoy Frazyer

Environmental Scientist Division of Hazardous Materials Management

Christine Dikoy Frazier

Northeast District Office

CMF: km

cc: Kathy Homer, U.S. EPA - Region V Chuck Slaustis, U.S. EPA - Region V Paula Cotter, DHMM, Central Office MAY 3 1 1983

CORTETED BAIL
RESULTED BROUGHTED

SIN-13

Mr. Charles Stone King Musical Instruments 33999 Curtis Boulevard Eastlake, Chio 44094

Ra: King Musical Instruments
EPA I.D. No. CMD 004153854
33999 Curtis Boulevard
Eastlake, Ohio 44094

Dear Mr. Stone:

The above referenced facility is a hazardous waste treatment, storage, or disposal facility subject to the Resource Conservation and Recovery Act (RCPA) as amended. Federal regulations (40 CFR Part 265 Subpart 8) require that such a facility shall provide to the United States Environmental Protection Agency (U.S. EPA) proof of financial assurance for closure by July 6, 1982, and liability coverage by July 15, 1982, (40 CFR 265.143 and 265.147 respectively).

To date U.S. EPA has not received these proofs; consequently, the facility is in violation of requirements of 40 CFR Part 265 Subpart H. The Agency considers these financial responsibility proofs as significant requirements of the hasardous waste regulations. Pailure to provide these required proofs within 30 days of receipt of this notice may subject the facility to enforcement action. RCRA provides for civil penalties up to \$25,000 per violation. Please forward the financial responsibility proofs to:

RCRA Activities Attn: Pinancial Requirements P.O. Box A3587 Chicago, Illinois 60698

If you have any questions or desire additional information, please contact Mr. Charles B. Slaustas of my staff, at (312) 353-2474.

Sincerely,

William Miner, Chief Technical, Permits, and Compliance Section

ce: Deborah L. Tegtmeyer, CEPA

bee: Thomas B. Golz, TPCS

5/27/83

10Hen 31/83



Re: King Musical Instruments

Lake County

Mr. R.E. Kaplan King Musical Instruments 33999 Curtis Blvd. Eastlake, Ohio 44094 March 4, 1983

OHD004153854

Dear Mr. Kaplan:

Thank you for the courtesy extended during my February 2, 1983, visit to King Musical Instruments. During this visit, your facility was inspected for compliance with 40 CFR 262 and OAC 3745-52 (generator regulations).

The following problems were noted during the inspection:

- 1. wastes had not been analyzed as required by OAC 3745-52-11 and 40 CFR 262.11;
- 2. improper shipping name and no waste quantity listed on manifest as required by OAC 3745-52-21 and 40 CFR 262.21;
- 3. generator signature was not present on manifest as required by OAC 3745-52-23 and 40 CFR 262.23;
- 4. containers were not marked with the words "Hazardous Waste" and the beginning date of accumulation as required by OAC 3745-52-34 and 40 CFR 262.34;
- 5. personnel training program relating to the hazardous wastes had not been developed or documented as per OAC 3745-65-16 (A) and 40 CFR 265.16 (a);
- 6. documented employee training records and job descriptions were not available for review as required by OAC 3745-65-16 (D) and 40 CFR 265.16 (d);
- 7. contingency plan had not been developed as required by OAC 3745-65-51 and CFR 265.51;
- 8. no contingency plan had been sent to local emergency authorities as required by OAC 3745-65-53 and 40 CFR 265.53;
- 9. emergency coordinator had not been designated as per OAC 3745-65-56 and 40 CFR 265.56; and,
- weekly inspections of container storage area were not documented as per OAC 3745-66 - 74 and 40 CFR 265.174.

REMARKS

- Shipping name should include the word "Waste" (i.e.: Waste Trichloroethylene) and the weight or volume of waste should be indicated.
- 2. Generator signature was not present on manifest.